A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1886.

CALCUTTA:
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1887.

TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1886.

I. An Act to authorize the making, and to regulate the working, of Street Tramways in Lahore.

II. for imposing a tax on income derived from sources other than agriculture.

III. to amend the Northern India Ferries Act, 1878.

IV. to amend section 265 of the Indian Contract Act, 1872.

V. to declare and amend the law relating to the Stone Mahál in the District of Mirzápur in the North-Western Provinces.

VI. to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

VII. to amend the Indian Registration Act, 1877.

VIII. to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.

IX. to apply the Chutia Nagpur Encumbered Estates Act, 1876, to the Deo Estate in the Gaya District.

X. to amend the Code of Criminal Procedure, 1882, and certain other Acts.

XI. to facilitate the construction and to regulate the working of Tramways.

XII. to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

XIII. to consolidate and amend the law relating to Government Securities.

XIV. to amend the North-Western Provinces Rent Act, 1881.

XV. to amend the North-Western Provinces Land-revenue Act, 1873.

XVI. to make provision for the more speedy trial of certain accused persons in custody in Lower Burma.

XVII. An Act to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

XVIII. to amend Act XXXVI of 1858.

XIX. to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor General in Council.

XX. to declare the law in force in Upper Burma.

XXI. to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.

XXII. to consolidate and amend the law relating to Rent in Oudh.

XXIII. to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

XXIV. to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

THE LAHORE TRAMWAYS ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Definitions.

Powers of grantees generally.

3. Powers to construct, maintain and use tramways.

Construction and Maintenance of Tramways and of Streets on which they are laid.

4. Power to grantees to break up streets and lay rails, &c.
5. Grantees to keep tramways and adjoining part of street in repair.
6. Obligations of grantees when they have broken up street.
7. Reservation of power of Committee and Government over streets.

Rights over Tramways and Streets on which they are laid.

8. Grantees' exclusive right over tramways.
9. Grantees to have right of user only.
10. Power of Committee and Government officers to regulate traffic on streets.

Traffic on Tramways.

11. Rates of fares and charges.
12. Mode of payment of fares and charges.
13. Carriage of dangerous or offensive goods.

Offences and Penalties.

14. Penalty for failure of grantees to comply with certain provisions of Act and agreement.
15. Penalty for obstructing grantees in the exercise of their powers.

16. Penalty

[*Price six annas.*]

SECTIONS.

16. Penalty for interfering with tramway.
17. Penalty for taking or sending dangerous or offensive goods without giving notice.
18. Penalty for avoiding payment of proper fare.
19. Power of servant of grantees to arrest persons avoiding payment of fare.

Powers to make Rules.

20. Powers to make rules.

Supplemental Provisions.

21. Commencement of agreement.
22. Construction of clauses 17 and 24 of agreement.
23. Exemption from certain municipal taxation.
24. Transfer of control on exclusion of local area from municipality.
25. Provisions as to other Acts.
26. Saving of prosecutions under other laws.

THE SCHEDULE.

ACT No. I OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th January, 1886.)

An Act to authorise the making, and to regulate the working, of Street Tramways in Lahore.

WHEREAS the Municipal Committee of Lahore by an agreement dated the seventh day of February, 1885, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to David Parkes Masson, John Robson and Arthur Milford Ker, their heirs, executors, administrators and assigns, hereinafter called the grantees, the right to construct, maintain and use a tramway or tramways in Lahore upon the terms, subject to the conditions and in the manner mentioned in the said agreement, and the said agreement was made subject to the confirmation and recognition thereof by the Government of the Punjab;

And whereas the Government of the Punjab has confirmed and recognised the said agreement and it is now expedient that effect be given to it, subject to the provisions and limitations hereinafter contained;

It is hereby enacted as follows:—

Preliminary.

1. (*1*) This Act may be called the Lahore Tramways Act, 1886; and

Short title and commencement.

(*2*) It shall come into force at once.

2. In

(*Powers of grantees generally.—Construction and Maintenance of Tramways and of Streets on which they are laid.—Sections 2-4.*)

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"Committee" means the Committee established for the municipality of Lahore under the Punjab Municipal Act, 1884: XIII of 18

"tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway: and

"street" means any way, street, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and along or across which any tramway authorised by this Act is or is intended to be laid, and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Powers of grantees generally.

Powers to construct, maintain and use tramways.

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement so far as the same are not inconsistent with this Act or are not provided for thereby, the grantees may, within the local area included on the seventh day of February, 1885, within the limits of the municipality of Lahore, construct, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified to be fit therefor by an engineer appointed in this behalf by the Local Government.

Construction and Maintenance of Tramways and of Streets on which they are laid.

Power to grantees to break up

4. Subject to the terms and conditions of the said agreement, the grantees may, from time to time, for the

the purpose of constructing, maintaining or renewing any tramway under this Act, open or break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway: streets and lay rails, &c.

Provided that they shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

5. The grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by them under this Act, and so much of any street as lies between the rails of any such tramway, and in the case of double lines or turnouts or sidings, the portion of the street between the tramways, and in every case so much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway. Grantees to keep tramways and adjoining part of street in repair.

6. When the grantees have, for the purposes of section 4 or section 5, opened or broken up any portion of a street, they shall be under the following further obligations, namely:— Obligations of grantees when they have broken up street.

(*a*) they shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consents in writing, complete the work for which the street has been opened or broken up, fill in the ground and make good the surface, and, to the satisfaction of

of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby;

(*b*) they shall, in the meantime, cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted from sunset to sunrise; and

(*c*) they shall be answerable for all injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of the opening or breaking up of the street.

Reservation of power of Committee and Government over streets.

7. (*1*) Nothing in this Act or in the said agreement shall prevent the Committee or any Government officers from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street:

Provided that—

(*a*) they shall cause as little detriment or inconvenience to the grantees as circumstances admit; and

(*b*) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantees not less than eighteen hours' previous notice of their intention to commence the work, specifying the time at which they will commence it.

(*2*) The Committee or officers aforesaid or the Secretary of State for India in Council shall not be liable

liable to pay to the grantees any compensation for injury done to the tramway by the execution of any work referred to in sub-section (*1*), or for loss of traffic occasioned by the reasonable use of any power lawfully exercised in connection with the same.

Rights over Tramways and Streets on which they are laid.

Grantees' exclusive right over tramways.

8. The grantees shall, subject to the provisions of this Act and to the terms and conditions of the said agreement, have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail:

Provided that nothing in this Act or in the said agreement shall affect the right of the public to pass along or across any part of any street along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Grantees to have right of user only.

9. Notwithstanding anything in this Act or in the said agreement, the grantees shall not acquire any right other than that of user over any street along or across which they lay any tramway.

Power of Committee and Government officers to regulate traffic on streets.

10. Nothing in this Act or in the said agreement shall affect any powers possessed by the Committee or by any Government officers to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or officers aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantees as to the traffic of other persons.

Traffic on Tramways.

Rates of fares and charges.

11. The grantees may, from time to time, by a notice published in such languages and in such manner as the Local Government may prescribe, fix the rates of fares and charges for carrying passengers and goods in their carriages:

Provided

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class, and two annas per mile for each passenger in the higher or first class.

Mode of payment of fares and charges.

12. The fares and charges by this Act authorised shall be paid to such persons, at such places upon or near to the tramways, and in such manner and under such regulations as the grantees may, by a notice published as aforesaid, from time to time prescribe.

Carriage of dangerous or offensive goods.

13. (*1*) No person shall be entitled to carry or to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(*2*) Every person taking such goods with him on any such tramway shall, before entering the carriage, give notice of their nature to the servant of the grantees in charge of the carriage.

(*3*) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantees with whom they are left at the time of such sending.

(*4*) Any servant of the grantees may refuse to carry upon any such tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

Offences and Penalties.

Penalty for failure of grantees to comply with certain provisions of Act and agreement.

14. If the grantees—

(*a*) construct or maintain any tramway, or run any carriage thereon, otherwise than in accordance with the said agreement and with this Act and the rules made under this Act;

(*b*) open

(*b*) open any tramway for traffic before it has been inspected and certified in manner required by section 3;

(*c*) open or break up any street otherwise than as permitted by this Act, or having opened or broken up a street fail to discharge any of the obligations imposed on them by section 6, clauses (*a*) and (*b*); or

(*d*) fail to fulfil the requirements of section 5;

each of them shall (without prejudice to the enforcement of specific performance of the provisions of this Act or of the said agreement or to any other remedy against them), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

Penalty for obstructing grantees in the exercise of their powers.

15. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully obstructs any person acting under the authority of the grantees in the lawful exercise of their powers in constructing, maintaining or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

16. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things, namely:—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith;

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing;

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway; or

(*d*) abets,

(*d*) abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (*a*), clause (*b*) or clause (*c*); XLV of 1860

shall be punished with fine which may extend to one hundred rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

Penalty for avoiding payment of proper fare.

18. If any person travelling or having travelled in any carriage of the grantees avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Power of servant of grantees to arrest persons avoiding payment of fare.

19. (*1*) When a person commits an offence under section 18 and refuses, on demand of a servant of the grantees, to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call in for his assistance.

(*2*) When the person is taken to the police-station, he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Powers to make Rules.

Powers to make rules.

20. (*1*) The Local Government may make rules consistent with this Act for regulating the use of steam-power or any other mechanical power on any of the

the tramways, and for the inspection of the engines worked on or in connection with the tramways for the purpose of producing that power.

(*2*) The Committee at a special meeting may, with the sanction of the Local Government, from time to time, make such rules consistent with this Act as to the rate of speed, number of passengers and mode of use of the tramways, and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantees, as the convenience and safety of the public may, in the opinion of the Committee, require.

(*3*) The grantees may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them, and for regulating the travelling in any carriage belonging to them.

(*4*) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees; and

(*b*) if that authority is the Committee or the grantees, to twenty rupees.

(*5*) All rules made under this section shall be published in the local official Gazette.

Supplemental Provisions.

Commencement of agreement.

21. The said agreement shall, subject to the provisions and limitations in this Act contained, be deemed, for all the purposes thereof, to have been confirmed and recognised by the Government of the Punjab on the date of the passing of this Act.

Construction of clauses 17 and 24 of agreement.

22. For the purposes of clauses 17 and 24 of the said agreement the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantees.

23. The

Exemption from certain municipal taxation.

23. The plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the grantees shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting-rates and water-tax as may, from time to time, be payable in respect of the yards, workshops, engine-sheds and depôts.

Transfer of control on exclusion of local area from municipality.

24. If a local area in which a tramway has been constructed under this Act is at any time excluded from the municipality of Lahore, all the authority of the Committee under the said agreement and this Act and the rules made under this Act shall, in respect of that local area, devolve on the Local Government.

Provisions as to other Acts.

25. Nothing in this Act or in the said agreement shall exempt the grantees or any tramway constructed by them under this Act from the provisions of the Indian Railway Act, 1879, section 54, or of any general enactment relating to tramways now in force or which may hereafter be passed. IV of 1879.

Saving of prosecutions under other laws.

26. Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

THE SCHEDULE.

ARTICLES OF AGREEMENT made this seventh day of February, 1885, between the MUNICIPAL COMMITTEE OF LAHORE, PUNJAB, hereinafter called the Lahore Municipality, of the one part, and D. P. MASSON, JOHN ROBSON and ARTHUR MILFORD KER OF LAHORE, hereinafter called the grantees, of the other part.

WHEREAS the said Lahore Municipality, subject to the confirmation of the Government of the Punjab, and to the recognition of this agreement by the said Government of the Punjab, have agreed to grant to the said grantees the right to construct, maintain

maintain and use a tramway or tramways in Lahore upon the terms and conditions hereinafter contained.

2. NOW THESE PRESENTS witness that, in consideration of the covenants hereinafter contained, and on the part of the said Lahore Municipality to be performed, the said grantees for themselves, their heirs, executors and assigns do covenant with the said Lahore Municipality, so far as the covenants and agreements hereinafter contained are to be performed by the said grantees and their heirs, executors, administrators and assigns, and the said Municipality for and in consideration of the covenants and agreements hereinafter contained and on the part of the said grantees and their heirs, executors, administrators and assigns to be performed, do hereby covenant with the said grantees and their heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Lahore Municipality, their successors and assigns, in manner following, that is to say :—

The said Lahore Municipality grant to the said grantees and their heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said grantees," the right to construct, maintain and use a tramway or tramways with all necessary sidings, turnouts, connections and lines of whatever nature which may be required to connect the said tramway with the depôts of the said grantees (but in the case of sidings and turnouts only in such places as the said corporation may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Municipality :—

Clause 1.—(*1st*). A line commencing at the junction of Nicholson and Mayo Roads near the Sindh, Punjab and Delhi Railway workshops, and continued along the road in front of the Railway Station through the Landa Bazar to the Delhi Gate, thence by the circular road on the south side of the City to the end of the Anarkali Bazar near the Lohari Gate.

(*2nd*). A line, being a continuation of the above, through the Anarkali Bazar past the Museum to the junction of the Church Road near Kapurthala House.

(*3rd*). A line in continuation leading to Mozang.

(*4th*). A line commencing at the junction of Mayo and Nicholson Roads continued along the Mayo Road through Shalu-ki-Garhi to Mcean Meer Bazar.

Lines 1 and 2 are delineated on the map or plan hereunto annexed and signed by the parties hereto. The lines shall be single except at crossing stations, where they shall be double.

Clause 2.—The said grantees shall further (subject to clauses 3 and 4) have the exclusive right of laying, constructing, maintaining and using a tramway or tramways within the limits of the Lahore Municipality on the terms contained in these presents: provided always that if the said grantees shall at any time or times, not being a period less than three months after the construction of the lines 1 and 2 enumerated in clause 1, refuse or neglect for three months to accept any proposal by the said Lahore Municipality for the construction, maintenance and use of any tramway or tramways other than those mentioned in clause 1, which the said Lahore Municipality may consider necessary or desirable, it shall be lawful for the said Lahore Municipality to employ any other person or company for the purposes aforesaid or any of them, and to make such arrangements as they may think proper independently of the said grantees.

Clause 3.—The said grantees shall construct in such manner as to be available for use at least tramways 1 and 2 within two years from the date of obtaining the sanction and approval of the Government of the Punjab, and they shall, before the expiration of the third year, give notice in writing to the said Lahore Municipality of the lines they intend to construct during the next succeeding two years; and failing the observance by the said grantees of the terms of this clause, it shall be lawful for the said Lahore Municipality to withdraw and cancel the concessions and rights granted by these presents to the said grantees as regards the lines remaining to be constructed.

Clause 4.—If the grantees shall, at the expiration of five years from the date of commencement of this contract, have left any one or more lines hereinbefore in clause 1 specified unconstructed, and if the said Lahore Municipality shall not have exercised the rights conferred on them by clause 3, the said Lahore Municipality may call upon the said grantees to construct the line or lines, and if the said grantees do not construct the line or lines within twelve calendar months after receiving such formal notice, then their power granted in this concession shall, so far as relates to that line or lines, cease, and the said Lahore Municipality may make arrangements with other persons for the construction of the same.

Clause 5.—Any tramway or tramways to be constructed under this agreement shall be constructed on the metre-gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be mutually agreed upon, and specially the rails shall be laid and maintained in such manner that the uppermost

most surface of the rails shall be on a level with the surface of the road; and before the work of construction is begun the drawings and specifications showing the proposed construction of each tramway shall be submitted to the said Municipality and be approved by them, and the cars and carriages intended to run on the said tramways shall also be such as shall have been approved of by the Municipality. The rail to be used is the ordinary grooved rail of steel weighing 34 pounds per yard.

Clause 6.—If the said Municipality shall hereafter alter the level of any street or road along or across which any tramway by this agreement authorised is laid or authorised to be laid, the grantees shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered: provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use and working thereof.

Clause 7.—The cars and carriages of the said grantees on the tracks of the said tramways shall be worked with such power, animal or mechanical, as the said grantees may think suitable, provided that no steam carriages may be used without the special consent of the Municipality (Commissioners in special general meeting) and the sanction of the Punjab Government, and provided also that the said Municipality (Commissioners in special general meeting) shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said tracks as the convenience and safety of the public using the street may require.

Clause 8.—The said grantees shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways: provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

Clause 9.—The said grantees may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter specified, open and break up the soil and metalled way of the several streets, roads and bridges, and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may, for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said grantees may, in and on such streets, roads and bridges, do all other acts which they shall from time to time deem necessary for constructing and maintaining street tramways, doing as little damage as may be in the execution of the powers hereby

hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes, or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said Municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

Clause 10.—Before the said grantees proceed to open or break up any street, road or bridge, they shall obtain the approval in writing of the said Committee to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said grantees, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of their intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other works, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Clause 11.—No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer, or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them: provided always that, if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any such street, road or bridge after having had such notice of the said grantees' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said grantees may perform the work specified in such notice without such superintendence as aforesaid.

Clause 12.—When the said grantees open or break up the roadway or pavement of any street, road or bridge, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby, and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said Municipality shall direct, and shall at all times, whilst any such roadway or pavement shall be so opened or broken up, cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

Clausse 13.—If

Clause 13.—If the said grantees open or break up any street, road or bridge without giving such notice as hereinbefore mentioned, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the said grantees are hereby authorised to perform such work without any superintendence or notice, or if the said grantees shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, they shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after they shall have received notice thereof.

Clause 14.—The said grantees shall maintain and keep in repair such portion of the streets, roads and bridges as shall be occupied by their tracks or lines, including therein, not only the space between their tracks or lines, but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the grantees, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said grantees shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

Clause 15.—The said grantees shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said grantees, or by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of the tramways or any portion thereof; the same shall be made good by the said grantees, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said grantees shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said grantees choose to defend such suit, they shall be at liberty to do so upon their undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof: provided always that, if the said grantees fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for

for the said Committee to settle the same without any consent or concurrence on the part of the said grantees, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said grantees.

Clause 16.—Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and the said grantees shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

Clause 17.—If at any time after the opening of any tramway for traffic the said grantees shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said grantees), it shall be lawful for the said Committee, without any previous notice to the said grantees, to remove the tramway or part of the tramway so discontinued, and the said grantees shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their engineer as to such costs shall be conclusive.

Clause 18.—The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways, with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith, after the expiration of the said twenty-one (21) years, upon declaring its intention sô to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bonâ fide* value at the termination of this agreement, exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever, of the tramways and of the work and materials connected therewith, and of the lands and buildings and all the other property of the grantees, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

Clause 19.—The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said grantees by any route or routes to be hereafter sanc-

tioned

tioned by the said Committee, and to the works connected with or incidental to such tramways, it being agreed that in the event of the Municipality failing to declare its intention as above provided to purchase the property of the said grantees, the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said grantees shall enter into a fresh agreement.

Clause 20.—The said grantees will, if required by the Municipality, before opening and breaking up the soil and pavement of any street or bridge, deposit in an approved Bank in Lahore, in the name of the said Municipality, the sum of Rs. 1,000 or in their option Promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rs. 1,000, and the same will remain so deposited until the completion by the said grantees of the lines of tramway herein sanctioned for immediate construction. But all interest accruing on the said sum or the said notes shall be credited to the said grantees, and subject as next hereinafter mentioned, be paid to them as the same shall accrue due: provided, nevertheless, that the said Municipality shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes, or out of the proceeds of sale of the said notes, all moneys to which they may be entitled under any clause or clauses of these presents.

Clause 21.—In consideration of the concession hereby granted, the said grantees will pay to the said Lahore Municipality rents at the rates and under the conditions hereinafter specified; that is to say, for the first two years after the opening of the tramway or tramways no rent will be charged, after the expiration of the first two years, and during the next ensuing year, the rental shall be one-tenth of the annual average profits as shown by the company's books during the preceding two years, this rental to be subject to revision at the end of every two years, and the maximum charge or rental made by the said Municipality shall under no circumstance exceed one-tenth of the net profit divided by the company in every period of two years immediately preceding each adjustment of the charge. The books and accounts shall at all times be open to the inspection of the Municipal Committee, and should any dispute arise as to the exact charge to be made by the said Municipality, then such matter or matters in dispute shall be referred to arbitrators as detailed in clause 25 of this agreement. If the said rent or any part thereof shall not be paid on due date, the said grantees shall be liable to pay interest thereon at the rate

rate of 8 per cent. per annum from the due date until payment.

Clause 22.—From and after the commencement of the 15th year of this contract to the end of the 21st, the said grantees shall not be at liberty to enter upon any fresh arrangements or expenditure which would increase their capital account in connection with this contract without first notifying their intention to the said Municipality and obtaining their approval thereof and sanction thereto in writing.

Clause 23.—The sleepers, rails, materials and implements and other erections placed and erected by the said grantees on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said grantees, and the said grantees shall have the exclusive use of their tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

Clause 24.—Unless the said grantees shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways; it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said grantees: provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said grantees.

Clause 25.—If any doubt, difference or dispute shall arise between the said grantees and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said grantees and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such

such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

Clause 26.—The said grantees are to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorised by or hereafter to be authorised under the terms of this agreement. The words "the said grantees" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

Clause 27.—The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorised or empowered to do or exercise.

Government of India Central Printing Office.—No. 405 L. D.—30-1-86.—3,700.

AN ACT FOR IMPOSING A TAX ON INCOME DERIVED FROM SOURCES OTHER THAN AGRICULTURE.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Extent and commencement.
2. Repeal.
3. Definitions.

CHAPTER II.

LIABILITY TO TAX.

4. Incomes liable to the tax.
5. Exceptions.
6. Power to make exemptions.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

7. Mode of payment in case of Government officials and pensioners.
8. Mode of payment in case of servants and pensioners of local authorities.
9. Mode of payment in case of servants and pensioners of companies and private employers.
10. Annual return by principal officer of company or association.

B.—Profits of Companies.

11. Annual statement of nett profits.
12. Power to require officers of companies to produce accounts.

C.—Interest

[*Price seven annas and six pies.*]

C.—Interest on Securities.

SECTIONS.

13. Mode of payment of tax on interest on securities.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

14. Collector to determine persons chargeable.
15. Mode of making assessment.
16. List of incomes under two thousand rupees.
17. Notices to persons with incomes of two thousand rupees and upwards.
18. Power to modify ordinary procedure in special cases.
19. Time and place of payment.

Trustees, Agents, Managers and Incapacitated Persons.

20. Trustees, guardians and committees of incapacitated persons to be charged.
21. Non-residents to be charged in names of their agents.
22. Receivers, Managers, Courts of Wards, Administrators General and Official Trustees.
23. Power to retain duties charged on trustees, &c.

Occupying Owners.

24. Provision for tax on occupying owners.

CHAPTER IV.

REVISION OF ASSESSMENT.

25. Petition to Collector against assessment under Part IV.
26. Hearing of petition.
27. Petition to Commissioner for revision.
28. Power to summon witnesses, &c.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

29. Tax when payable.
30. Mode and time of recovery.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

31. Agreements for composition.

Receipts.

Receipts.

SECTIONS.
32. Receipts and their contents.

Amendment of Assessment.

33. Amendment of assessment.

Penalties.

34. Failure to make payments or deliver returns or statements.
35. False statement in declaration.
36. Prosecution to be at instance of Collector.
37. Sections 193 and 228 of Penal Code to apply to proceedings.

Power to make Rules.

38. Power to make rules.

Miscellaneous.

39. Bar of suits in Civil Court.
40. Exercise of powers of Collector and Commissioner.
41. Obligation to furnish information respecting lodgers and employés.
42. Trustees and agents to furnish information as to beneficiaries and principals.
43. Trustees, &c., to furnish information as to income.
44. Obligation to furnish other information.
45. Sections 176 and 177 of Penal Code to apply to requisitions for information.
46. Service of notices.
47. Power to declare principal place of business or residence.
48. Saving in favour of payers of pándharí and capitation taxes.
49. Indemnity.
50. Powers exerciseable from time to time.

THE FIRST SCHEDULE.—ENACTMENTS REPEALED.

THE SECOND SCHEDULE.—SOURCES OF INCOME AND RATES OF TAX.

THE THIRD SCHEDULE.—FORM OF PETITION.

ACT No. II OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th January, 1886.)

An Act for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

3. In

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act:

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter"

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(*11*) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

Liability to Tax.

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs,

directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions. **5.** (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily

ordinarily engaged in seagoing traffic out of Indian waters; or

(*e*) any income derived from property solely employed for religious or public charitable purposes; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class

class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(*4*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants

9. (*1*) The tax to which a person receiving any salary, annuity, pension or gratuity from a company,

or

or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him. and pensioners of companies and private employers.

(*2*) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing— Annual return by principal officer of company or association.

(*a*) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(*b*) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by Annual statement of nett profits.

the

the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (*1*) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur,

incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine persons chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (*1*) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(*2*) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(*a*) his name, and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid;

(*c*) the

(*c*) the place or places, district or districts, where the income accrues;

(*d*) the amount to be paid; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*e*), both inclusive, mentioned in section 16, sub-section (*2*), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (*1*) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(*a*) authorising or directing a Collector in specified cases, or classes of cases, to include in a list

list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(*b*) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(*c*) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (*b*) of this sub-section.

(*2*) A return delivered under rules made under clause (*b*) or clause (*c*) of sub-section (*1*) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly

truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(*3*) When a Collector authorised in that behalf by rules made under clause (*b*) or clause (*c*) of sub-section (*1*) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(*4*) Rules made under this section shall be published in the official Gazette.

Time and place of payment.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

Trustees, guardians and committees of incapacitated persons to be charged.

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Non-residents to be charged in names of their agents.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in

in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(*2*) "Owner", as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

CHAPTER IV.

REVISION OF ASSESSMENT.

Petition to Collector against assessment under Part IV.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

Hearing of petition.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

28. The

Power to summon witnesses, &c.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure: XIV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

Recovery of Arrears of Tax.

Tax when payable.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely,— XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(*5*) No proceedings for the recovery of any sum payable

payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

Agreements for composition.

31. (*1*) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(*2*) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

Receipts and their contents.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment

Amendment of Assessment.

Amendment of assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false

false or does not believe to be true, he shall be deemed to have committed the offence described in section
XLV of 1860. 177 of the Indian Penal Code.

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and
XLV of 1860. 228 of the Indian Penal Code.

Power to make Rules.

Power to make rules.

38. (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section
XLV of 1860. 166 of the Indian Penal Code.

(*3*) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

Bar of suits in Civil Court.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

40. All

Exercise of powers of Collector and Commissioner.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Obligation to furnish information respecting lodgers and employés.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling-house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees, &c., to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

44. An

Obligation to furnish other information.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice.

XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family:

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare

47. (*1*) When a company or firm has several places of

principal place of business or residence.

of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pándhari and capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pándharí-tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876. II of 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (*2*), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Powers exerciseable from time to time.

50. All powers conferred by, or conferable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878 .	The Northern India License Act, 1878 .	So much as has not been repealed.
Act No. VI of 1880 .	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 .	The Madras License Act, 1878 . .	So much as has not been repealed.
Act No. III of 1880 .	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal
Act No. III of 1878 .	The Bombay License Act, 1878 . .	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880 .	The Bengal License Act, 1880 . .	The whole.

THE SECOND SCHEDULE.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(*See section 4.*)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I.	
SALARIES AND PENSIONS.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person. 2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem,—four pies in the rupee.
PART II.	
PROFITS OF COMPANIES.	
Profits of a company . .	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.

PART III.—

THE SECOND SCHEDULE—*continued.*

First column.	Second column.
Source of Income.	Rate of Tax.

PART III.

Interest on Securities.

Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.

PART IV.

Other Sources of Income.

Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but less than Rs. 750 the tax shall be Rs. 10 " " " 750 " " 1,000 " " 15 " " " 1,000 " " 1,250 " " 20 " " " 1,250 " " 1,500 " " 28 " " " 1,500 " " 1,750 " " 35 " " " 1,750 " " 2,000 " " 42 (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(*See section 25.*)

TO THE COLLECTOR OF

The *day of* *188* .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of
rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the
day of last were rupees
[as will appear from the documents of which a list is presented herewith.*]

3.—Such income and profits actually accrued and arose during a period of months and
days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

---

* *These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.*

Govt. of India Central Printing Office.—No. 534 L D.—7-2-86.—4,000.

ACT No. III OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th January, 1886.)

An Act to amend the Northern India Ferries Act, 1878.

XVII of 1878.

WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows:—

Substitution of new section for section 8, and amendment of sections 12 and 15.

1. (*1*) For section 8 the following shall be substituted, namely:—

"8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

"The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

"When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction."

(*2*) For

[*Price one anna and three pies.*]

(*2*) For section 12, clause (*b*), the following shall be substituted, namely :—

"(*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted."

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely :—

"Except with the sanction of the Magistrate of the district or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry."

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely :—

Penalty for maintaining private ferry within prohibited limits.

"26. Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions."

Government of India Central Printing Office.—No. 526 L. D.—6-2-86.—3,700.

ACT No. IV OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th January, 1886.)

An Act to amend section 265 of the Indian Contract Act, 1872.

IX of 1872.

WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872; It is hereby enacted as follows :—

New section substituted for section 265, Indian Contract Act. Winding up by Court on dissolution or after termination.

1. For section 265 of the said Act the following shall be substituted, namely :—

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares

" 1 "

ACT IV OF 1886. (AMENDING THE INDIAN CONTRACT ACT, 1872).

.....	Section 2 is repealed ... ...

[*Price one anna.*]

Govt. of India Central Printing Office.—No. 527 L. D.—6-2-86.—3,700.

THE MIRZAPUR STONE MAHAL ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Repeal.
3. Definitions.

Rights of the Government and the Public.

4. Right of the Government to levy duty.
5. Prohibition of levy of duty by proprietors.
6. Right of the public to quarry stone.

Rules.

7. Power to make rules.
8. Procedure for making rules.
9. Publication of rules.
10. Deferred operation of rules altering duty.

Offences.

11. Penalties for evasion of duty.
12. Burden of proof as to payment of duty.
13. Limitation for prosecutions.
14. Saving of prosecutions under other laws.

Arrest, Seizure and Search.

15. Powers of officers.
16. Search-warrants.

Recovery of Duty.

17. Recovery of duty.

Appea

[*Price three annas and three pies.*]

Appeal and revision.

18. Appeal and revision.

Miscellaneous.

19. Saving of existing rates of duty.
20. Exemption of the inhabitants of the hills.

THE SCHEDULE.—LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

ACT No. V OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th January, 1886.)

An Act to declare and amend the law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces.

WHEREAS it is expedient to declare and amend the law relating to the Stone Mahál in the district of Mirzapur in the North-Western Provinces; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Mirzapur Stone Mahál Act, 1886; and

(*2*) It shall come into force on such day as the Local Government, by notification in the official Gazette, appoints.

(*3*) The power conferred by this Act on the Local Government to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force, Bengal Regulation II of 1800 (*a Regulation for laying open to public use the stone-quarries at Chunar, Gházípur* [properly called Ghásípur] *and Mirzapur, in the Province of Benares, subject to a fixed duty*) shall be repealed.

3. In

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "the district" means the whole of the area comprised in the district of Mirzapur as constituted at the time of the passing of this Act, except the lands described in the schedule to this Act:

(*2*) "Collector" means the Collector of the Mirzapur district, and includes an Assistant Collector of the first class empowered by him to perform any of the functions of the Collector under this Act:

(*3*) "Commissioner" means the Commissioner of the Benares Division:

(*4*) "Board" means the Board of Revenue of the North-Western Provinces:

(*5*) "quarry" means to take from the surface as well as to extract from a quarry:

(*6*) "transport" means to remove from one place to another within the district:

(*7*) "proprietor" includes an assignee of land-revenue and any person claiming under a proprietor or exercising any of the rights of a proprietor.

Rights of the Government and the Public.

Right of the Government to levy duty.

4. The Government is entitled to levy duty on all stone quarried in the district.

Prohibition of levy of duty by proprietors.

5. No proprietor of any land in any part of the district is entitled to impose any prohibition or restriction, or to demand or receive any sum by way of rent, premium, duty or price, in respect of the opening of a quarry, or the quarrying of stone, in the land, or in respect of the storing of stone at the quarry or the transport of stone over the land, or, save as may be provided by rules made under this Act, to receive from any person any compensation whatever in respect of any of the matters aforesaid.

Right of the public to quarry stone.

6. (*1*) Subject to the rules made under this Act, any person is entitled to open a quarry, or quarry stone,

stone, in any land in any part of the district, and to store the stone at the quarry, and to transport it over any land.

(*2*) A person may, so far as the rules made under this Act permit, acquire an exclusive right to open a quarry, or quarry stone, within certain local limits in any part of the district, and may retain the right so long as those rules permit.

(*3*) If a dispute as to the right referred to in sub-section (*1*), to open a quarry, or quarry stone, in any land, or as to the existence of or mode of exercising an exclusive right referred to in sub-section (*2*), to open a quarry, or quarry stone, within certain local limits, arises between any persons, or if a dispute as to the right to store stone on, or transport stone over, any land arises between the person claiming to store or transport the stone and the proprietor of the land, it shall, on application for that purpose by either of the disputing parties to the Collector, be decided by him.

(*4*) A Civil Court shall not take cognizance of any such dispute, or in any suit or proceeding whatever make any decree or order whereby any party to the dispute may be bound with respect to the subject-matter thereof either directly or indirectly.

Rules.

Power to make rules.

7. (*1*) The Local Government may, from time to time, make rules consistent with this Act to regulate within the whole or any specified part of the district all or any of the following matters:—

(*a*) the quarrying of stone, and the places where stone may be quarried;

(*b*) conflicting claims to exercise the right of opening a quarry or quarrying stone;

(*c*) the conditions on the fulfilment of which a person is to acquire an exclusive right of opening a quarry, or quarrying stone, within certain local limits, and how that right may cease to exist;

(*d*) the

(*d*) the compensation to be paid for injury caused to crops or arable land by the quarrying, storing or transport of stone, and the authority by which the compensation is to be determined;

(*e*) the transport of stone;

(*f*) the storing of stone;

(*g*) the classification of stones, the rate or rates of duty to be paid in respect of each class of stone to the Government or to a farmer to whom the Government has leased the duties leviable thereon, and the time when, the place where, and the persons by whom, the duty is to be paid;

(*h*) the exemptions from, or reductions of, duty to be allowed, the conditions to attach to those exemptions or reductions, and the consequences to ensue on the breach of any of those conditions;

(*i*) the custody and disposal of stone confiscated or seized under this Act; and

(*j*) generally for carrying out the purposes of this Act.

(*2*) In making a rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

Procedure for making rules.

8. (*1*) The Local Government shall, before making any rules under section 7, publish a draft of the proposed rules for the information of persons interested.

(*2*) The publication shall be made in such manner as in the opinion of the Local Government is sufficient.

(*3*) A notice shall be published with the draft specifying

specifying a date at or after which the draft will be taken into consideration.

(*4*) The Local Government shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

9. Every rule made under section 7 shall be published in the official Gazette in English and in such other language or languages as the Local Government directs, and that publication shall be conclusive proof that the rule has been made as required by section 8.

Deferred operation of rules altering duty.

10. If a rule made under section 7, sub-section (*1*), clause (*g*), alters the rate of duty to be paid in respect of any class of stone, it shall not have effect till the expiration of one year from the date on which it is published.

Offences.

Penalties for evasion of duty.

11. If any person evades, or attempts to evade, or abets the evasion of, the payment of any duty payable under a rule made under section 7, sub-section (*1*), clause (*g*), he shall be punished with fine which may extend to two hundred rupees and twenty times the duty payable on the stone in respect of which the offence was committed, and the Court convicting him may further order the confiscation of the stone.

Burden of proof as to payment of duty.

12. The burden of proving that duty has been paid on stone in respect of which a prosecution for an offence under section 11 has been instituted shall lie on the accused person.

Limitation for prosecutions.

13. A prosecution for an offence under section 11 or against a rule made under section 7 shall not be instituted after the expiration of six months from the commission of the offence.

Saving of prosecutions under other laws.

14. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under section 11 or against a rule made under section 7, or

from

from being liable under that other law to any other or higher punishment or penalty than that provided by section 11 or a rule made under section 7:

Provided that a person shall not be punished twice for the same offence.

Arrest, Seizure and Search.

Powers of officers.

15. (*1*) Any officer whom the Collector, with the previous sanction of the Commissioner, may empower in this behalf, may—

(*a*) proceed, in respect of an offence under section 11 or against a rule made under section 7 which in his presence a person commits or is accused of committing, in the same manner as a police-officer may proceed, under section 57 of the Code of Criminal Procedure, 1882, in respect of a non-cognizable offence which in his presence a person commits or is accused of committing; and X of 1882.

(*b*) seize any stone in respect of which he has reason to believe that an offence under section 11 or against a rule made under section 7 has been committed, and, if the stone is being transported, use, for the removal thereof to the nearest place appointed for the custody of stone seized under this Act, any animals and conveyances used in transporting it.

(*2*) The powers conferred by this section may be exercised as well beyond as within the limits of the district, and if in the exercise of those powers a person is arrested or stone is seized beyond those limits, then, notwithstanding anything in this Act, the person arrested shall be liable to be dealt with, and the stone seized to be disposed of, in the same manner as if he had been arrested or it had been seized, within those limits.

Search-warrants.

16. (*1*) A Magistrate may issue his warrant for the search, after sunrise and before sunset, of any building, vessel

vessel or place in which he has reason to believe that stone in respect of which an offence under section 11 or against a rule made under section 7 has been committed is kept or concealed, and for the seizure of any stone found there.

(*2*) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as the same are applicable, apply to searches under this section.

X of 1882.

Recovery of Duty.

Recovery of duty.

17. An arrear of duty payable to the Government under a rule made under section 7, sub-section (*1*), clause (*g*), and an arrear due from a farmer of duties payable on stone, may be recovered from the person primarily liable to pay the same to the Government, or from his surety (if any), as if it were an arrear of land-revenue.

Appeal and revision.

Appeal and revision.

18. (*1*) Decisions and orders passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or otherwise, shall be appealable to the Collector of the Mirzapur district in the manner provided by the law for the time being in force in the district respecting appeals from the orders of an Assistant Collector to the Collector in matters pertaining to land-revenue.

(*2*) Decisions and orders passed by the Collector of the Mirzapur district under this Act or any rule thereunder shall be appealable to the Commissioner in the manner provided by the law aforesaid respecting appeals from the orders of the Collector to the Commissioner.

(*3*) The Board may revise any decision or order passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or otherwise, or by the Collector of the Mirzapur district, or under sub-section (*2*) by the Commissioner.

Miscellaneous.

(*Miscellaneous.—Sections 19-20.—The Schedule.—Lands excluded from the area comprised in the District of Mirzapur.*)

Miscellaneous.

Saving of existing rates of duty.

19. The rates of duty actually levied at the time of the passing of this Act shall continue to be levied until the Act comes into force, and shall then be deemed to have been prescribed by a rule made under section 7, sub-section (*1*), clause (*g*).

Exemption of the inhabitants of the hills.

20. (*1*) Notwithstanding anything hereinbefore contained, but subject to any rules which the Local Government may from time to time make to regulate the enjoyment of the privilege hereby conferred, the inhabitants of the tract south of the Vindhya range of hills shall be exempt from the payment of duty on stones quarried by them within the limits of that tract for their own use within those limits.

(*2*) The Local Government may, from time to time, by notification in the official Gazette, define the limits of the said tract for the purposes of this section.

THE SCHEDULE.

LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

(*See section 3, sub-section* (*1*).)

Pargana or tappá.	Village.	Remarks.
Kantit	Bajtha	These villages were transferred from the Allahabad district in 1840.
	Baghaura Rajman	
	Páli	
	Sumutia	
	Barha Khurd	
	Basaura	
	Chak Kothara	
	Chak Madari	
	Dogauli	
	Rasauli	
	Kothara	
	Ghunghuti	
	Hargarh	
Upraudh	Nairi Katari	These villages were transferred from the Allahabad district in 1861.
	Durjanipur	
	Deohat	
	Mahuat	
	Maheshpur	
	Katra Lahorya Dih	
	Bhaineaur	
	Mahagarhi	

Government of India Central Printing Office.—No. 531 L. D.—11-2-96.—3,700

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.
5. Powers exerciseable from time to time.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

6. Establishment of general registry offices and appointment of Registrars General
7. Indexes to be kept at general registry office.
8. Indexes to be open to inspection.
9. Copies of entries to be admissible in evidence.
10. Superintendence of Registrars by Registrar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

11. Persons whose births and deaths are registrable.

B.—Registration Establishment.

12. Power for Local Government to appoint Registrars for its territories.
13. Power for Governor General in Council to appoint Registrars for Native States.

14 Registrar

[*Price five annas and three pies.*]

SECTIONS.

14. Registrar to be deemed a public servant.
15. Power to remove Registrars.
16. Office and attendance of Registrar.
17. Absence of Registrar or vacancy in his office.
18. Register books to be supplied and preservation of records to be provided for.

C.—Mode of Registration.

19. Duty of Registrar to register births and deaths of which notice is given.
20. Persons authorized to give notice of birth.
21. Persons authorized to give notice of death.
22. Entry of birth or death to be signed by person giving notice.
23. Grant of certificate of registration of birth or death.
24. Duty of Registrars as to sending certified copies of entries in register books to Registrar General.
25. Searches and copies of entries in register books.
26. Exceptional provision for registration of certain births and deaths.

D.—Penalty for False Information.

27. Penalty for wilfully giving false information.

E.—Correction of Errors.

28. Correction of entry in register of births or deaths.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

29. Addition of new section after section 13, Act III of 1872.
30. Amendment of the Indian Christian Marriage Act, 1872.
31. Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

32. Permission to persons having custody of certain records to send them within one year to Registrar General.
33. Appointment of Commissioners to examine registers.
34. Duties

SECTIONS.

34. Duties of Commissioners.
35. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

36. Power for Governor General in Council to make rules.
37. Procedure for making and publication of rules.

ACT No. VI of 1886.

Passed by the Governor General of India in Council

(*Received the assent of the Governor General on the 8th March*, 1886.)

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices, for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian
XV of 1872. Marriage Act, 1872, and of certain marriages registered
XV of 1865. under the Parsi Marriage and Divorce Act, 1865, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (*1*) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and Short title and commencement.

(*2*) It

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

(*3*) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Local extent.

2. This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

"sign" includes mark, when the person making the mark is unable to write his name:

"prescribed" means prescribed by a rule made by the Governor General in Council under this Act: and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exerciseable from time to time.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II.

General Registry Offices of Births, Deaths and Marriages.

Establishment of general registry offices and appointment of Registrars General.

6. (*1*) Each Local Government—

(*a*) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or

or marriages registered under Act III of 1872 (*to provide a form of marriage in certain cases*) or the Indian Christian Marriage Act, 1872, or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 1865, as may be sent to it under this Act, or under any of the three last-mentioned Acts as amended by this Act; and

XV of 1872

XV of 1865.

(*b*) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(*2*) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

Indexes to be kept at general registry office.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, as amended by this Act, to be made and kept in his office in the prescribed form.

XV of 1872.

XV of 1865.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

9. A

Copies of entries to be admissible in evidence.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Registrars by Registrar General.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

Persons whose births and deaths are registrable.

11. (*1*) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely:—

(*a*) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion; X of 1865.

(*b*) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion:

(*2*) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

B.—Registration

B.—Registration Establishment.

Power for Local Government to appoint Registrars for its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for Governor General in Council to appoint Registrars for Native States.

13. The Governor General in Council may, by notification in the Gazette of India, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

[illegible] V of [illegible].

Registrar to be deemed a public servant.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Power to remove Registrars.

15. (*1*) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(*2*) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

Office and attendance of Registrar.

16. (*1*) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed.

(*2*) Every Registrar of Births and Deaths to whom the Local Government may direct this sub-section to apply

apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (*1*) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*2*) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*3*) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for

for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register births and deaths of which notice is given.

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:

Provided that—

(*a*) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and

(*b*) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

(*a*) the father or mother of the child;

(*b*) any person present at the birth;

(*c*) any person occupying, at the time of the birth, any part of the house wherein the child was born, and having knowledge of the child having been born in the house;

(*d*) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;

(*e*) any person having charge of the child.

21. Any

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

(*a*) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;

(*b*) any person present at the death;

(*c*) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;

(*d*) any person in attendance during the last illness of the deceased;

(*e*) any person who has seen the body of the deceased after death.

Entry of birth or death to be signed by person giving notice.

22. (*1*) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(*2*) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

(*3*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

Grant of certificate of registration of birth or death.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

24. (*1*) Every

Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

24. (*1*) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(*2*) The provisions of sub-section (*1*) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the Gazette of India, appoints in this behalf.

Searches and copies of entries in register books.

25. (*1*) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(*2*) Every copy of an entry in a register book given

given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional provision for registration of certain births and deaths.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty for wilfully giving false information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of entry in register of births or deaths.

28. (*1*) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(*2*) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

Addition of new section after section 13, Act III of 1872.

29. After section 13 of Act III of 1872 (*to provide a form of marriage in certain cases*) the following section shall be inserted, namely:—

Transmission of certified copies of entries in marriage certificate book to the Registrar General of Births, Deaths and Marriages.

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage certificate book since the last of such intervals."

Amendment of the Indian Christian Marriage Act, 1872.

XV of 1872.

30. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely:—

(*a*) at the end of section 3, the words "'Registrar General of Births, Deaths and Marriages,' mean a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added;

III of 1886.

(*b*) for the words "Secretary to the Local Government," wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;

(*c*) for the words "at such places as the Local Government directs" in section 62 the words "in the office of the Registrar-General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register book was licensed" shall be substituted; and

(*d*) in

(*d*) in section 81, after the words "Registrar General of Births, Deaths and Marriages," the words "in England" shall be added.

Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865, the following section shall be inserted namely:— XV of 1865.

Transmission of certified copies of certificates in marriage register to Registrar General of Births, Deaths and Marriages.

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time, prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

Permission to persons having custody of certain records to send them within one year to Registrar General.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (*1*), or of any register or record of marriage of any persons of the classes to which Act III of 1872 or the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes XV of 1872. XV of 1865.

comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the Gazette of India, directs in this behalf.

Appointment of Commissioners to examine registers.

33. (*1*) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

(*2*) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

Duties of Commissioners.

34. (*1*) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32;

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(*2*) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(*3*) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

35. (*1*) Subject

Searches of lists prepared by Commissioners and grant of certified copies of entries.

35. (*1*) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(*2*) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

Power for Governor General in Council to make rules.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

(*a*) to fix the fees payable under this Act;

(*b*) to prescribe the forms required for the purposes of this Act;

(*c*) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(*d*) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true

true copies of the entries of births and deaths in the registers kept by them;

(*e*) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate;

(*f*) to prescribe the custody in which those registers or records are to be kept; and

(*g*) generally to carry out the purposes of this Act.

Procedure for making and publication of rules.

37. (*1*) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under this Act shall be published in the Gazette of India, and the publication in the Gazette of India of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made.

Beng. Sect. Press—Reg. No. 9196J—700—29.9.88.

ACT No. VII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th March, 1886.)

An Act to amend the Indian Registration Act, 1877.

III of 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration Act, 1886; and

(*2*) It shall come into force at once.

Addition to section 17 of Act III of 1877.

III of 1877.

2. After clause (*f*) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(*ff*) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or".

Addition to sections 17 and 89, and amendment of section 58, of same Act.

3. (*1*) After clause (*l*) of section 17 of the same Act the following clause shall be added, that is to say:—

"(*m*) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments

XII of 1884.

for

[*Price one anna and six pies.*]

for securing the repayment of loans made under that Act."

(*2*) In section 58 of the same Act, for the words "or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely :— XXVI of 1871. XIX of 1883 XIX of 1883

"or a copy sent to a registering officer under section 89".

(*3*) After the second paragraph of section 89 of the same Act the following paragraph shall be added, that is to say :—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1." XII of 1884

Further addition to section 17 of same Act.

4. After clause (*m*) of section 17 of the same Act as amended by this Act the following clause shall be added, that is to say :—

"(*n*) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage".

Amendment of section 50 of same Act.

5. In the second paragraph of section 50 of the same Act, "(*ff*)" shall be inserted between "(*f*)" and "(*g*)", and for the word and letter "and (*l*)" the letters

letters and word "(*l*), (*m*) and (*n*)" shall be substituted.

Addition to section 90, and amendment of section 91, of same Act.

6. (*1*) After clause (*d*) of section 90 of the same Act the following clause shall be inserted, that is to say :—

"(*e*) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land."

Bom. Act V of 1879.

(*2*) In section 91, for the word and letter "and (*c*)" the letters and word "(*c*) and (*e*)" shall be substituted.

(*3*) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

Government of India Central Printing Office.—No. 616 L. D.—12-3-86.—3,700.

ACT No. VIII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 8th March, 1886.*)

An Act to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.

VIII of 1885.

WHEREAS it is expedient to amend sections 12 and 13 of the Bengal Tenancy Act, 1885, in manner hereinafter appearing; It is hereby enacted as follows:—

1. In section 12, sub-section (*2*), before the word "mortgage" the word "usufructuary" shall be inserted.

2. (*1*) In section 13, sub-section (*1*), before the words "the Court" the words "or when a mortgage of a permanent tenure, other than an usufructuary mortgage thereof, is foreclosed," shall be inserted.

(*2*) In the same sub-section, before the word "require" the words "or making a decree or order absolute for the foreclosure," shall be inserted.

(*3*) In the same sub-section, before the words "to pay into Court" the words "or mortgagee" shall be inserted.

(*4*) In the same sub-section, before the words "on the landlord" the words "or final foreclosure" shall be inserted.

(*5*) In section 13, sub-section (*2*), before the words "the Court" the words "or the decree or order absolute for the foreclosure has been made," shall be inserted.

(*6*) In the same sub-section, before the words "in the prescribed form," the words "or final foreclosure" shall be inserted.

[*Price one anna.*]

Government of India Central Printing Office.—No. 41 L. D.—24-7-88.—400.—J. W. DeH.

ACT No. IX of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th March, 1886.

An Act to apply the Chutia Nagpur Encumbered Estates Act, 1876, to the Deo Estate in the Gaya District.

WHEREAS Rájá Bhikam Narayan Singh Bahadur, of Deo in the district of Gaya, is subject to, and his immoveable property is charged with, debts and liabilities other than debts due, and liabilities incurred, to the Government;

And whereas the said Rájá has requested that the provisions of the Chutia Nagpur Encumbered Estates Act, 1876, be applied to his case;

VI of 1876.

And whereas the persons to whom the debts are due and the liabilities have been incurred have assented to the application of the Chutia Nagpur Encumbered Estates Act, 1876, to the case, on the condition that their title to receive the principal and interest due to them be in no way impaired thereby;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Deo Estate Act, 1886; and

(*2*) It shall come into force at once.

Application of Act VI of 1876 to the Deo Estate.

2. The provisions of the Chutia Nagpur Encumbered Estates Act, 1876, as amended by Act V of 1884, may be applied to the case of the said Rájá Bhikam Narayan Singh Bahadur, subject to the following modifications, namely:—

VI of 1876.

(*1*) The expressions "Commissioner", "Deputy Commissioner"

[*Price one anna and nine pies.*]

Commissioner" and "holder", where used in the said Act, shall be construed as referring to the Commissioner of the Patna division, the Collector of the Gaya district and the said Rájá, respectively.

(*2*) Notwithstanding anything in section 2 of the said Act, the Commissioner may, without any further application from the said Rájá and without any further notification of the consent of the Lieutenant-Governor of Bengal, publish an order under that section appointing a manager and vesting in him the management of the whole of the immoveable property of or to which the said Rájá is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir during the continuance of the management.

(*3*) Section 4 of the said Act shall be read as if after the words "and their families" the words "and persons entitled to receive maintenance from the property" were added.

(*4*) Notwithstanding anything in section 8—

the sums mentioned in column 2 and column 4 of the schedule to this Act, as principal and as balance due from the said Rájá on the thirty-first day of December, 1885, respectively,

and the rate of interest mentioned in column 3 of that schedule,

shall, save in so far as any error with respect thereto may be proved to the satisfaction of the Commissioner, be deemed to be justly due to the several persons mentioned in column 1 of the schedule.

(*5*) The scheme prepared and approved under section 11 of the said Act shall provide that out of the residue applicable under section 4 of that Act, after discharge of costs of management, to the settlement of debts and liabilities, interest at the rate of six per cent. per annum in respect of so much of the principal sum of six hundred and fifty thousand rupees as is for the time being due to the Mahárájá of

of Darbhangá shall be paid to the Maháráját before any sum is paid thereout to any other creditor.

(*6*) The second clause of section 12 of the said Act shall be read as if for the words "at any time before a scheme has been approved by him under section 11" the words "at any time before the occurrence of either of the events mentioned in the first and third clauses of this section" were substituted.

(*7*) The power conferred on the manager by the second clause of section 16 of the said Act, to apply for the removal of a mortgagee or conditional vendee in possession, shall not be exercised.

(*8*) The exercise of the power of sale conferred by section 18 of the said Act shall be subject to the following conditions, namely :—

(*a*) that one month's notice shall be given to the Maháráját of Darbhangá of the manager's intention to sell any property of which the said Maháráját is mortgagee ;

(*b*) that until the debt due to the said Maháráját has been reduced to the sum of six hundred and fifty thousand rupees no portion of the proceeds of the sale of any of that property shall, without the previous consent of the Maháráját, be paid to any other creditor ; and

(*c*) that, except with the previous consent of the said Maháráját, so much of that property shall be left unsold as will yield a yearly income sufficient, after compliance with the rest of the scheme prepared and approved under section 11 of the said Act, to meet the yearly interest for the time being payable to the Maháráját.

(*9*) Section 23 of the said Act shall be read as if for the words "the Courts in Chutia Nagpur" the words "any Court" were substituted, and as if the following

following words were added to the section, namely :—"and a suit relating to a claim of maintenance from the property shall not be entertained by any such Court without the previous consent of the Commissioner."

Saving of priority of Crown debts.

3. Nothing contained in this Act shall be construed as affecting the priority of any debt due, or liability incurred, to the Government.

SCHEDULE.

(*See section 2, clause (4).*)

Name of Creditor.	Principal.	Annual rate of interest per centum.	Balance due on the 31st December, 1885.
1	2	3	4
	Rs. A. P.		Rs. A. P.
Maháráját Lachhmeshar Singh Bahadur of Darbhangá	6,50,000 0 0	6	8,18,141 4 0
Bábú Kameshwar Prasad	2,89,751 12 2	6	2,85,340 2 7
Ditto	21,000 0 0	12	21,000 0 0
Ditto	9,000 0 0	12	9,000 0 0
Sayyid Lutf Ali Khan Bahadur	12,045 4 0	6	13,460 8 8
Nurjahan Begum	9,405 0 0	6	10,577 10 1
Gosain Dalmirpuri	5,000 0 0	6	6,535 0 0
Gosain Dalmirpuri and Bhakhi Singh	5,400 0 0	6	4,850 0 0
Bábú Ramgopal Singh and Bábú Ram Kirpal Singh	4,000 0 0	12	4,000 0 0
Ditto	3,500 0 0	12	3,500 0 0
Ditto	14,484 8 9	6	15,377 12 2
Sayyid-un-nissa Bibi	29,660 0 0	18	53,725 1 0
Bábú Baijnath Singh	13,503 13 9	12	17,996 1 10
Ditto	777 8 5	*Nil*	777 8 5
Shaikh Imáman and Ramdhan Barai	10,000 0 0	9	10,000 0 0
Bihari Lal Barik	3,300 0 0	72	6,006 0 0
Ditto	1,750 0 0	72	3,094 0 0
Lachhman Dás and Mathura Dás	4 998 2 6	6	4,215 14 7
Ramkishn Dás	1,195 10 0	12	1,267 5 0
Narayan Sahu, Sheo Sahu, Bhichuk Sahu and Sheocharan Sahu	3,500 0 0	12	3,052 12 0
Madho Singh	7,702 0 6	6	7,070 6 11
Raghubar Singh	3 000 0 0	12	2,824 2 4
Bishn Saran Lal	389 0 0	12	389 0 0
Maháráni Baliráj Kunwar	80,000 0 0	4½	80,000 0 0

Government of India Central Printing Office.—No. 742 L. D.—12-3-86—3,700.

ACT No. X OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 12th March, 1886.*)

An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts; X of 1882. It is hereby enacted as follows:—

Code of Criminal Procedure, 1882.

Amendment of section 31 of the Code of Criminal Procedure.

1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted. X of 1882.

Substitution of new section for section 34. Higher powers of certain District Magistrates.

2. For section 34 of the same Code the following shall be substituted, namely:—

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

Addition to section 55 and section 56.

3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely:—

"This section applies to the police in the towns of Calcutta and Bombay."

4. In

[*Price three annas and three pies.*]

Amendment of sections 88 and 514.

4. In sections 88 and 514 of the same Code, after the words "District Magistrate" the words "or Chief Presidency Magistrate" shall be inserted.

Amendment of section 110.

5. In section 110 of the same Code, for the words "Sub-Divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government" the words "or Sub-Divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government" shall be substituted.

Amendment of section 162.

6. In section 162 of the same Code the word "shall" shall be inserted before the words "be used."

Amendment of section 173.

7. In section 173 of the same Code the following shall be substituted for the second paragraph, namely :—

"Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation."

Amendment of section 266.

8. In section 266 of the same Code, for the word and figures "section 307" the words and figures "sections 276 and 307" shall be substituted.

Amendment of section 269.

9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

Substitution of new section for section 398. Provisions supplemental to sections 35, 396 and 397.

10. For section 398 of the same Code the following shall be substituted, namely :—

"398. (*1*) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the

the punishment to which he is liable upon his former or subsequent conviction.

"(*2*) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

Amendment of section 401.

11. (*1*) For the third paragraph of section 401 of the same Code the following shall be substituted, namely:—

"If any condition on which a sentence has been suspended or remitted is, in the opinion of the Governor General in Council or of the Local Government as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence."

(*2*) After the third paragraph of the same section the following shall be inserted, namely:—

"The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will."

New sections to follow section 475.

12. After section 475 of the same Code the following sections shall be inserted, namely:—

Power of Governor General in

"475A. The Governor General in Council may direct

Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

Power of Local Government to relieve Inspector General of certain functions.

"475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474."

Amendment of section 495.

13. (*1*) For the first sentence of section 495 of the same Code the following shall be substituted, namely :—

"Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council."

(*2*) After the last sentence of the same section the following shall be added, namely :—

"An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

Amendment of section 510.

14. In section 510 of the same Code, for the word "the" before the words "Chemical Examiner" where those words first occur, the word "any" shall be substituted.

New section to follow section 541.

15. After section 541 of the same Code the following shall be inserted, namely :—

Removal to criminal jail

"541A. (1) If any person liable to be imprisoned or

or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

"(*a*) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure; or

XIV of 1882.

"(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure."

XIV of 1882.

Addition of new section after section 558. Officers concerned in sales not to purchase or bid for property.

16. After section 558 of the same Code the following section shall be added, namely:—

"559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property."

Correction of omission in Schedule II.

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code the following shall be inserted, namely:—

XLV of 1860.

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"If offence charged be punishable with imprisonment for seven years.	Ditto .	Ditto .	Ditto .	Ditto .	Imprisonment of either description for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

18. In

Further amendment of schedule II.

18. In the same Schedule, for section 225A and the line of entries against that section the following shall be substituted, namely:—

Column 1	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"225A	Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—						
	(*a*) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Ditto .	Bailable	Ditto.	Imprisonment of either description for three years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	(*b*) in case of negligent omission or sufferance.	Ditto .	Summons.	Ditto .	Ditto.	Simple imprisonment for two years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
"225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Ditto .	Ditto.	Imprisonment of either description for six months, or fine, or both.	Ditto."

Correction of omission in Schedule III.

19. In the part of Schedule III of the same Code entitled "*IV.—Ordinary Powers of a Sub-divisional Magistrate*," the following shall be inserted after the second article, namely:—

"(2A) Power to require security for good behaviour, section 110."

Bombay

Bombay District Police Act, 1867.

Bom. Act VII of 1867.

20. The last nine words of section 23 of the Bombay District Police Act, 1867, are hereby repealed. Amendment of Bombay District Police Act.

Indian Penal Code.

XLV of 1860.

21. (*1*) In the second clause of section 40 of the Indian Penal Code, between the figures "66" and "71" the figures "67" shall be inserted. Amendment of sections 40 and 64 of the Indian Penal Code.

(*2*) In the second clause of section 64 of the same Code, after the word "punishable" the words "with imprisonment or fine, or" shall be inserted.

22. In section 75 of the same Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substituted, namely :— Amendment of section 75 of the Indian Penal Code.

"or to imprisonment of either description for a term which may extend to ten years."

23. After the first paragraph of section 216 of the same Code the following shall be inserted, namely :— Addition to section 216 of the Indian Penal Code.

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

44 & 45 Vic., cap. 69.

24. (*1*) For section 225A of the same Code the following sections shall be substituted, namely :— Substitution of new sections for section 225A of the Indian Penal Code, and repeal of section 651 of the Code of Civil Procedure.

"225A. Whoever, being a public servant legally bound Omission to apprehend,

or sufferance of escape, on part of public servant in cases not otherwise provided for.

bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

"(*a*) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(*b*) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

(2) Section 651 of the Code of Civil Procedure is hereby repealed. XIV of 1891

Prisoners Act, 1871.

Substitution of new sections for sections 30, 31 and 32 of the Prisoners' Act.

25. For sections 30, 31 and 32 of the Prisoners' Act, 1871, the following shall be substituted, namely:— V of 1871.

Removal from one jail to another in territories under same Local Government.

"30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General X of 1882.

General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Removal of lunatic prisoners.

"31. (*1*) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment then until he is discharged according to law.

"(*2*) When it appears to the Local Government that the prisoner has become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the territories subject to the same Local Government, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

"(*3*) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (*1*) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall

shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

"(*4*) In any case in which a Local Government is competent under sub-section (*1*) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

Removal of prisoners from territories under one Local Government to territories under another.

"32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India." X of 1882.

Government of India Central Printing Office.—No. 366 L. D.—24-1-87.—1,200.

THE INDIAN TRAMWAYS ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Local extent.
3. Definitions.

Orders authorising the Construction of Tramways.

4. Application for and consent necessary to making of order.
5. Consent of local or road authority not necessary in certain cases.
6. Procedure for making order.
7. Contents of order.
8. Further order.
9. Power to authorise joint work by local authorities.
10. Cessation of powers given by an order.

Construction and Maintenance of Tramways.

11. Mode of formation of tramway.
12. Inspection of tramway before opening.
13. Agreement between road-authority and promoter as to repair of roadway.

Traffic on Tramways.

14. Rights of promoters and the public over tramways.
15. Tolls leviable by promoter or lessee.
16. Carriage of dangerous or offensive goods.

Licenses to use Tramways.

17. Grant to third parties of licenses to use tramway in certain events.
18. Licensee to give to promoter or lessee an account of traffic.

Discontinuance of Tramways.

19. Cessation of powers of promoter and lessee on discontinuance of tramway.
20. Powers of road-authority on cessation of powers of promoter.

Insolvency

[*Price eight annas.*]

Insolvency of Promoter.

SECTIONS.

21. Proceedings in case of insolvency of promoter.

Purchase of Tramways.

22. Future purchase of undertaking by local authority.

Working of Tramways owned by Local Authorities.

23. Lease of, or working of, tramway by local authority.

Rules.

24. Power to make rules.
25. Power to impose penalty by rule.
26. Procedure for making, and publication of, rules.

Offences.

27. Penalty for failure of promoter, lessee or licensee to comply with Act or order.
28. Penalty for obstructing promoter in exercise of his powers.
29. Penalty for interfering with tramway.
30. Penalty for using tramway with carriage having flange-wheels.
31. Penalty for evading payment of proper toll.
32. Penalty for taking or sending dangerous or offensive goods without giving notice.
33. Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.
34. Saving of prosecutions under other laws.

Settlement of Differences.

35. Differences between promoters or lessees and authorities.

Recovery of Tolls.

36. Recovery of moneys due from promoters and, in certain cases, from lessees.
37. Recovery of tolls from licensees.
38. Recovery of tolls from passengers.

Savings.

39. Promoter to have right of user only.
40. Saving of power over roads traversed by tramways.
41. Saving of power of local authority and police to regulate traffic on roads.

Supplemental

Supplemental Provisions.

SECTIONS.

42. Promoters, lessees and licensees to be responsible for all injuries.
43. Want of funds not a sufficient reason for default.
44. Power to exempt from municipal taxation.
45. Application by local authorities of local funds to tramways.
46. Extension of Act to existing tramways.
47. Prohibition of construction of tramways except under this Act.
48. Transfer of control on exclusion of local area from circle of local authority.
49. Explanation and amendment of section 54 of Railway Act.
50. Powers of Local Government exerciseable from time to time.

ACT No. XI OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th March, 1886.)

An Act to facilitate the construction and to regulate the working of Tramways.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Indian Tramways Act, 1886; and

(*2*) It shall come into force at once.

Local extent.

2. (*1*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council and the Lieutenant-Governor of Bengal.

(*2*) But the Governor of Fort Saint George in Council, the Governor of Bombay in Council or the Lieutenant-Governor of Bengal may, by notification in the official Gazette, extend this Act to the whole or any part of the territories under his administration.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*2*) "road" means the way of a road, street, thoroughfare,

thoroughfare, passage or place along or across which a tramway authorized under this Act is, or is intended to be, laid, and includes the surface-soil and sub-soil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road :

(*3*) "road-authority", in relation to a road, means—

(*a*) if a local authority maintains and repairs the road, then that authority ;

(*b*) if a local authority does not maintain and repair the road, and the road is neither vested in Her Majesty nor maintained and repaired by the Government, then the person in whom the road is vested ; and

(*c*) if a local authority does not maintain and repair the road, and the road is vested in Her Majesty or maintained and repaired by the Government, then the Local Government :

(*4*) "circle", in relation to a local authority or road-authority, means the area within the control of that authority :

(*5*) "tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway :

(*6*) "order" means an order authorising the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order :

(*7*) "promoter" means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved :

(*8*) "undertaking" includes all moveable and immoveable

immoveable property of the promoter suitable to and used by him for the purposes of the tramway:

(*9*) "carriage", in the case of a tramway on which steam-power or any other mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power:

(*10*) "toll" includes any charge leviable in respect of the use of a tramway:

(*11*) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorised tolls:

(*12*) "District Magistrate" includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act:

(*13*) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction:

(*14*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act: and

(*15*) "prescribed" means prescribed by rules made by the Local Government under this Act.

Orders authorising the Construction of Tramways.

Application for and consent necessary to making of order.

4. (*1*) The Local Government may make an order authorising the construction of a tramway in a circle on application made—

(*a*) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

(*b*) by

(*b*) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority :

Provided that, if any part of the proposed tramway is to traverse land which is not included within the limits of a municipality or of a cantonment, the Local Government shall not make the order without the previous sanction of the Governor General in Council.

(*2*) A local authority shall not make an application for an order, or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

Consent of local or road authority not necessary in certain cases.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Local Government may, nevertheless, make an order authorising the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Procedure for making order.

6. (*1*) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft

draft of a proposed order authorising the construction of the tramway.

(*2*) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.

(*3*) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(*4*) Every order authorising the construction of a tramway shall be published in the official Gazette in English, and in the other prescribed language or languages, if any; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of order.

7. (*1*) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(*2*) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say :—

(*a*) a period before the expiration of which the tramway shall not be commenced, and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect

respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(*b*) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(*c*) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the re-instating of the roads, and the approval of the method and materials by the Local Government or the road-authority before the commencement of the work;

(*d*) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level;

(*e*) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted;

(*f*) the gauge of the tramway; the rails to be used, and the mode in which, and the level at which, they shall be laid and maintained;

and

and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the substructure upon which they rest, as the Local Government may from time to time require;

(*g*) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter; the maintenance by the promoter to the satisfaction of the Local Government or the road-authority, or both, of that portion of the road or roads; and the liability of the promoter, on the requisition of the Local Government, from time to time to adopt and apply such improvements in the tramway as the Local Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads;

(*h*) the application of material excavated by the promoter in the construction or maintenance of the tramway;

(*i*) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorised by the order, as may from time to time be necessary or convenient to the efficient working of the tramway;

(*j*) the powers which may from time to time be exercised by the Local Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway; the notice (if any) to be given of the intended exercise of those powers; the manner in which the powers shall be exercised; and

and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof;

(*k*) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Local Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Local Government, from time to time, to adopt and apply such improvements in the carriages, and in the fittings, appliances and apparatus, as the Local Government may consider necessary or desirable for the safety or convenience of the public;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be

be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government; and the regulation of the traffic and of the levy of the tolls;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise; and the conditions subject to which the local authority may be the transferee;

(*r*) the performance by the Local Government or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(*3*) The Local Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act, 1870, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter.

X of 1870.

(*4*) The order shall imply the condition—

(*a*) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided; and

(*b*) in

(*b*) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user and of demanding and taking the authorised tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

Further order.

8. (*1*) The Local Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.

(*2*) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(*3*) The Local Government may, in its discretion, either grant or reject the application.

(*4*) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

Power to authorise joint work by local authorities.

9. (*1*) Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof.

(*2*) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of powers given by an order.

10. (*1*) If a promoter authorised by an order to construct a tramway—

(*a*) does not within the time specified in the order substantially

substantially commence the construction of the tramway, or

(*b*) having commenced the construction, suspends it without a reason sufficient in the opinion of the Local Government to warrant the suspension, or

(*c*) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue:—

(i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed;

(ii) as to so much of the tramway as is then completed, the Local Government may either permit, or refuse to permit, the powers given by the order to continue;

(iii) if the Local Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Local Government.

(*2*) A notification published by the Local Government in the official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been

been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

Mode of formation of tramway.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Inspection of tramway before opening.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the Local Government has inspected it and certified it to be fit for such traffic.

Agreement between road-authority and promoter as to repair of roadway.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (*2*), clause (*g*), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Traffic on Tramways.

Rights of promoters and the public over tramways.

14. (*1*) The promoter of a tramway shall, subject to the provisions of sub-section (*2*) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway:

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorised to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

(*2*) The public shall have a right to pass along or across any part of a road along or across which a tramway

tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway: Provided—

(*a*) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter; and

(*b*) that the Local Government may by an order authorise the construction of a tramway on any part of a road with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

Tolls leviable by promoter or lessee.

15. (*1*) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Local Government.

(*2*) A list of all the tolls authorised to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

Carriage of dangerous or offensive goods.

16. (*1*) A person shall not be entitled to carry or to require to be carried, on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

(*2*) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(*3*) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee

lessee with whom he leaves them for the purpose of their being sent by the tramway.

(*4*) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(*5*) Where a servant of the promoter or lessee refuses under sub-section (*4*) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licenses to use Tramways.

Grant to third parties of licenses to use tramway in certain events.

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the Local Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Local Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely:—

(*a*) the license shall be for a period not less than one year or more than three years from the date of the license, but the Local Government may in its discretion renew it;

(*b*) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Local Government, having regard

regard to the cause for granting the license, thinks fit;

(*c*) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages;

(*d*) the licensee and his officers and servants shall permit one person, duly authorised for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey;

(*e*) any provision of this Act, or of the order or rules made under this Act, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee; and

(*f*) the Local Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

Licensee to give to promoter or lessee an account of traffic.

18. A licensee shall, on demand, give to an officer or servant authorised in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

Discontinuance of Tramways.

Cessation of

19. If it is proved to the satisfaction of the Local Government,

powers of promoter and lessee on discontinuance of tramway.

Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance, the Local Government, if it thinks fit, may, by notification in the official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Act provided.

Powers of road-authority on cessation of powers of promoter.

20. (*1*) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in re-instating the road.

(*2*) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in re-instating the road.

(*3*) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(*4*) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in re-instating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay

pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

Insolvency of Promoter.

Proceedings in case of insolvency of promoter.

21. (*1*) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Local Government, the Local Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(*2*) Where a notification has been published under sub-section (*1*), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

Future purchase of undertaking by local authority.

22. (*1*) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Local Government, may—

(*a*) within such limits of time as may be specified in this behalf in the order, or

(*b*) if

(*b*) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(*c*) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever.

(*2*) A requisition shall not be made under subsection (*1*) unless the making thereof has been approved by the local authority in manner prescribed.

(*3*) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(*4*) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working

Working of Tramways owned by Local Authorities.

Lease of, or working of, tramway by local authority.

23. (*1*) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the Local Government, let to any person the right of user of the tramway and of demanding and taking the authorized tolls.

(*2*) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Local Government may approve.

(*3*) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Local Government that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance.

(*4*) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(*5*) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Local Government and for such term as the Local Government directs, place and run carriages upon the tramway, and demand and take the authorized tolls in respect of the use of the carriages.

Power to make rules.

Rules.

24. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Local Government may make rules consistent with this Act—

(*a*) as to the form in which an application for an order shall be made;

(*b*) as

(*Rules.—Section 24.*)

(*b*) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;

(*c*) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (*4*), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;

(*d*) as to the plans and sections of any works to be deposited by applicants for orders or by promoters;

(*e*) for regulating the use of steam-power or any other mechanical power on a tramway;

(*f*) as to any matter specified in section 7, sub-section (*2*), clauses (*c*), (*d*), (*e*), (*j*) and (*k*), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Local Government, been effectually so provided for;

(*g*) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Local Government or as that Government directs, and as to the forms in which those accounts are to be submitted;

(*h*) as to the accidents of which report is to be made to the Local Government or as that Government directs;

(*i*) as

(*i*) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee; and,

(*j*) generally, as to any other matter or thing in respect of which it may seem to the Local Government to be expedient to make rules for carrying out the purposes of this Act.

(*2*) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act for regulating—

(*a*) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;

(*b*) the use of animal power on the tramway;

(*c*) the distances at which carriages using the tramway are to be allowed to follow one after the other;

(*d*) the stopping of carriages using the tramway, and the notice to be given to the public of their approach;

(*e*) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;

(*f*) the traffic on roads along or across which the tramway is laid;

(*g*) the number of passengers which may be carried in any carriage;

(*h*) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and,

(*i*) generally, the mode of use of the tramway.

(*3*) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Local Government, make rules consistent with this

Act

Act and with the order and any rules made under this Act—

(*a*) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him; and

(*b*) for regulating the travelling in any carriage belonging to him.

(*4*) The Local Government may cancel any rule made by a local authority or by a promoter or lessee under this section.

Power to impose penalty by rule.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees, and

(*b*) if that authority is a local authority or a promoter or lessee, to twenty rupees;

and when the breach is a continuing breach, with a further fine which may extend—

(*c*) if the authority making the rule is the Local Government, to fifty rupees, and

(*d*) if that authority is a local authority or a promoter or lessee, to five rupees,

for every day after the first during which the breach continues.

Procedure for making, and publication of, rules.

26. (*1*) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.

(*3*) There

(*3*) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.

(*4*) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

Offences.

Penalty for failure of promoter, lessee or licensee to comply with Act or order.

27. If a promoter—

(*a*) constructs or maintains a tramway otherwise than in accordance with the order, or

(*b*) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(*c*) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order,

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the order, or to any other remedy which may be obtained against him in a Court of Civil Judicature), on complaint made by the Local Government or by the local authority or road-authority or by the District Magistrate or, with the previous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which

may

may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely :—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith, or

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing, or

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway, or

(*d*) abets within the meaning of the Indian Penal Code the doing of, or attempts to do, anything mentioned in clause (*a*), clause (*b*) or clause (*c*), XLV of 1860.

he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punished with fine which may extend to one hundred rupees.

Penalty for using tramway with carriage having flange-wheels.

30. If any person, except under a lease from, or by agreement with, the promoter, or under license from the Local Government granted under this Act, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

31. (*1*) If

Penalty for evading payment of proper toll.

31. (*1*) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

(*2*) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call to his aid.

(*3*) When the person is taken to the police-station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Penalty for taking or sending dangerous or offensive goods without giving notice.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

33. (*1*) If a licensee fails on demand to give the account mentioned in section 18, or, with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

(*2*) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

34. Nothing

Saving of prosecutions under other laws.

34. Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it: Provided that a person shall not be punished twice for the same offence.

Settlement of Differences.

Differences between promoters or lessees and authorities.

35. (*1*) If any difference arises between the promoter or lessee on the one hand and the Local Government, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Local Government or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee. XIV of 1882.

(*2*) Where the difference is—

(*a*) between the promoter or lessee on the one hand and the Local Government, either as such or as the road-authority, on the other, or

(*b*) between the promoter on the one hand and the local authority on the other, with respect to

to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(*3*) In other cases the referee shall be appointed by the Local Government.

(*4*) Except where referee is the District Court, the powers and procedure of the referee may be prescribed.

(*5*) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.

(*6*) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

Recovery of moneys due from promoters and, in certain cases, from lessees.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Act by the Local Government or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and re-instating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit

suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land-revenue due by the promoter or lessee or his surety (if any):

Provided that nothing in this section shall authorise the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

Recovery of tolls from licensees.

37. (*1*) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

(*2*) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(*3*) When application is made to a Magistrate under sub-section (*1*), he may make an interim order of distraint pending his final decision.

Recovery of tolls from passengers.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Savings.

Promoter to have right of user only.

39. (*1*) Notwithstanding anything contained in this Act, or in an order or any rule made under this Act,

Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Act, or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(*2*) The Local Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Saving of power over roads traversed by tramways.

40. (*1*) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

(*2*) The road-authority, local authority or other person executing any work referred to in sub-section (*1*) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

Saving of power of local authority and police to regulate traffic on roads.

41. Nothing in this Act, or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.

Supplemental Provisions.

Promoters,

42. A promoter, lessee or licensee shall be answer-

able

lessees and licensees to be responsible for all injuries.

able for all injuri s happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Want of funds not a sufficient reason for default.

43. For the purposes of this Act want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

Power to exempt from municipal taxation.

44. When a tramway is constructed under this Act within the limits of a municipality, the Local Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Application by local authorities of local funds to tramways.

45. (*1*) The fund to or with the control or management of which the local authority of a municipality, cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Act.

(*2*) The fund shall also be applicable, with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (*1*).

Extension of Act to existing tramways.

46. The Local Government may, with the consent of the local authority and road-authority and of the promoter

promoter and his lessee (if any), extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorised by the Local Government to be constructed, before the passing of this Act, and may withdraw any part of the Act or any rules so extended.

Prohibition of construction of tramways except under this Act.

47. (*1*) A tramway of which the construction has not been authorised by the Local Government before the passing of this Act shall not, after the passing of this Act, be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

(*2*) A person constructing a tramway in contravention of sub-section (*1*) of this section,

or after the passing of this Act maintaining or using for public traffic, otherwise that in pursuance of an order made under this Act, a tramway which was not constructed, or authorised by the Local Government to be constructed, before the passing of this Act,

shall be liable, on the complaint of the Local Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of local authority.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act or the part thereof or the rule thereunder, and under the order (if any), shall, in respect of that local area, devolve on the Local Government or, if that Government so directs, on the local authority of the circle in which the tramway has been included.

Explanation and amendment of section 54 of Railway Act.

49. (*1*) In section 54 of the Indian Railway Act, 1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act.

(*2*) In

(2) In the same section of that Act, after the words "by steam" the words "or other mechanical power" shall be added.

Powers of Local Government exerciseable from time to time.

50. All powers conferred by this Act on a Local Government may be exercised from time to time as occasion requires.

Government of India Central Printing Office—No. 766 L. D.—19-3-86.—3,700.

THE PETROLEUM ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title, commencement and local extent.
2. Repeal.
3. Definitions.
4. Matters supplemental to the definitions.

Dangerous Petroleum.

5. Dangerous petroleum in quantities exceeding forty gallons.
6. Dangerous petroleum in quantities not exceeding forty gallons.
7. Vessels containing dangerous petroleum to be labelled.

Petroleum generally.

8. Power for Local Government to make rules as to importation and refining of petroleum.
9. Procedure after petroleum has been discharged or landed.
10. Possession and transport of petroleum.
11. Power to make rules as to possession and transport.
12. Power to inspect and require dealer to sell samples.
13. Notice to be given when officer proposes to test samples.
14. Certificate as to result of testing.

Penalties.

15. Penalty for illegal importation, possession or transport of petroleum.
16. Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.
17. Penalty for refusing to comply with section 12.
18. Confiscation of petroleum.
19. Jurisdiction.

Test-apparatus.

20. Model test-apparatus.
21. Verification of test-apparatus.

Miscellaneous.

[*Price five annas and six pies.*]

Miscellaneous.

SECTIONS.

22. Power to Local Government to exempt petroleum from operation of this Act.
23. Power to apply this Act to other fluids.
24. Power to limit operation of enactments relating to municipalities.
25. Power to revoke or vary notifications.
26. Procedure for making and publication of rules.

THE SCHEDULE.

ACT No. XII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th March, 1886.)

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title, commencement and local extent.

1. (*1*) This Act may be called the Petroleum Act, 1886; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, appoints.

(*3*) ~~The provisions of~~ this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may from time to time, by notification in the official Gazette, direct.

(*4*) Any power conferred by this Act to make rules or issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Petroleum Act, 1881, shall be repealed:

VIII of 1881.

(*2*) But

(*2*) But all notifications issued, rules made, licenses granted, powers conferred and certificates given under that Act shall, so far as may be, be deemed to have been issued, made, granted, conferred and given under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, bezine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(*2*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer: Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

(*3*) "import" means to bring into British India by sea or land,

and "importation" means the bringing into British India as aforesaid:

(*4*) "transport" means to remove from one place to another within British India: and

(*5*) "ship" includes anything made for the conveyance by water of human beings or property.

4. (*1*) The

Matters supplemental to the definitions.

4. (*1*) The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(*2*) Notwithstanding anything in the definitions of "import", "importation" and "transport", the Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, declare—

(*a*) that petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(*b*) that petroleum transported into its territories from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act, and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

5. (*1*) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

(*2*) Every

(*2*) Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that the petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for that purpose.

(*3*) If the Local Government sees reason to believe that the petroleum will be used for that purpose, and that no petroleum other than dangerous petroleum can be used for the purpose, it may grant the license for the importation, transport or possession (as the case may be) of the petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition—

(*d*) in the case of a vessel kept, of the name and address of the consignee or owner;

(*e*) in

(*e*) in the case of a vessel transported, of the name and address of the sender; and

(*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

Power for Local Government to make rules as to importation and refining of petroleum.

8. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act to regulate the importation of petroleum, and in particular—

(*a*) to determine the ports at which only petroleum may be imported;

(*b*) to ascertain the quantity and description of any petroleum on board any ship;

(*c*) to determine the places at which, and the conditions on and subject to which, petroleum may be discharged into boats, landed, transhipped or stored;

(*d*) to provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed.

(*e*) to provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(*f*) to provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples;

(*g*) to

(*g*) to fix fees for the sampling and testing of petroleum; and

(*h*) to fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf.

(*2*) The Local Government, with the previous sanction of the Governor General in Council, may, with respect to any petroleum produced within its territories, make rules—

(*a*) to define the limits of the places where the petroleum is to be refined;

(*b*) to provide for the testing of the petroleum at or near those places; and

(*c*) to prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum which has not satisfied the tests prescribed by the rules.

Procedure after petroleum has been discharged or landed.

9. (*1*) Petroleum discharged into boats or landed in accordance with rules made under section 8, sub-section (*1*), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf in the manner described in the schedule to this Act, with an apparatus which has been stamped and certified as provided by this Act, and until the officer has given a certificate that the petroleum is not dangerous petroleum.

(*2*) If the officer after testing the samples refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(*a*) to rectify the petroleum,

(*b*) to apply for a license to import the petroleum as dangerous petroleum, or

(*c*) to re-export the petroleum.

(*3*) If

(*3*) If the consignee does not within the time fixed under sub-section (*2*) avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government directs.

(*4*) Notwithstanding anything in the foregoing portions of this section, the Local Government in its discretion may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorise its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Power to make rules as to possession and transport.

11. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(*2*) The rules may provide for the following among other matters, that is to say :—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of the premises and the testing of petroleum found thereon ;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit ;

in the case of both such licenses—

(*e*) the authority by which the license may be granted ;

(*f*) the

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*j*) the renewal of the license.

(*3*) The Governor General in Council may make rules consistent with this Act as to the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases where such licenses are by law required; and those rules may provide, among other matters, for those mentioned in sub-section (*2*) as matters for which rules made by a Local Government with respect to licenses to transport petroleum may provide.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorised by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample or cause it to be tested with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken

taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

Penalties.

Penalty for illegal importation, possession or transport of petroleum.

15. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.

16. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not labelled as prescribed by section 7, shall be punished with fine which may extend to five hundred rupees.

Penalty for refusing to to comply with section 12.

17. Any dealer in petroleum who refuses or neglects to show to any officer authorised under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

Confiscation of petroleum.

18. In any case in which an offence under section 15 or section 16 has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted

permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

Jurisdiction.

19. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Test-apparatus.

Model test-apparatus.

20. A model of the apparatus for testing petroleum under this Act, constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus".

Verification of test-apparatus.

21. (*1*) The Chemical Examiner shall, on payment of such fee (if any) as the Governor General in Council may, from time to time, by notification in the Gazette of India, prescribe, compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A

(*3*) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(*5*) Subject to the payment of such fees as the Governor General in Council may, by notification in the Gazette of India, prescribe in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

Power to Local Government to exempt petroleum from operation of this Act.

22. The Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Power to apply this Act to other fluids.

23. The Governor General in Council may, from time to time, by notification in the Gazette of India, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10, the quantities of the fluid to which those sections shall apply.

Power to limit operation of enactments relating to municipalities.

24. The Governor General in Council may, from time to time, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Power to revoke or vary notifications.

25. A notification made under this Act may be revoked or varied by the authority making it by a notification

notification published in the same manner as the notification so revoked or varied.

Procedure for making and publication of rules.

26. (*1*) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the Gazette of India, and if it is made by the Local Government until it has been published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts:—

(*1*) the oil-cup;

(*2*) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame;

(*3*) the water-bath or heating vessel;

(*4*) the

(*4*) the tripod stand, with jacket and spirit-lamp for heating the water-bath;

(*5*) the thermometer for indicating the temperature of the oil in the oil-cup;

(*6*) the thermometer for indicating the temperature of the water in the water-bath;

(*7*) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup;

(*8*) the dropping bottle or *pipette* for replenishing the test-lamp; and

(*9*) a barometer standardised at the Meteorological Office of the province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel, made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slidemoves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer,

to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper

proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit the clockwork is set in motion by pressing the trigger.

If no flash takes place the clockwork is at once re-wound, and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit the temperature at which it occurs is to be recorded.

The fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, each result is to be corrected for atmospheric pressure, as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, the series of tests is to be rejected and a fresh series, of three, similarly obtained, and so on until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

No flash which takes place within eight degrees of the temperature at which the testing is commenced shall be accepted as the true flashing point of the sample tested. In the event of a flash occurring at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° degrees, or is oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may

may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure*:—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule, giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

Table

20 *Table for correction of Flashing Points indicated by the Test for Variations in Barometric Pressure on either side of Thirty Inches.*

Barometer in Inches.																			
27	27·2	27·4	27·6	27·8	28	28·2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30·4	30·6	30·8	31
Flashing Point in Degrees Fahrenheit.																				
60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
61·2	61·5	61·8	62·2	62·5	62·8	63·1	63·4	63·8	64·1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66·7	67	67·3	67·6	68	68·3	68·6
63·2	63·5	63·8	64·2	64·5	64·8	65·1	65·4	65·8	66·1	66·4	66·7	67	67·4	67·7	68	68·3	68·6	69	69·3	69·6
64·2	64·5	64·8	65·2	65·5	65·8	66·1	66·4	66·8	67·1	67·4	67·7	68	68·4	68·7	69	69·3	69·6	70	70·3	70·6
65·2	65·5	65·8	66·2	66·5	66·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
66·2	66·5	66·8	67·2	67·5	67·8	68·1	68·4	68·8	69·1	69·4	69·7	70	70·4	70·7	71	71·3	71·6	72	72·3	72·6
67·2	67·5	67·8	68·2	68·5	68·8	69·1	69·4	69·8	70·1	70·4	70·7	71	71·4	71·7	72	72·3	72·6	73	73·3	73·6
68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70·8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73·6	74	74·3	74·6
69·2	69·5	69·8	70·2	70·5	70·8	71·1	71·4	71·8	72·1	72·4	72·7	73	73·4	73·7	74	74·3	74·6	75	75·3	75·6
70·2	70·5	70·8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75·6	76	76·3	76·6
71·2	71·5	71·8	72·2	72·5	72·8	73·1	73·4	73·8	74·1	74·4	74·7	75	75·4	75·7	76	76·3	76·6	77	77·3	77·6
72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·3	78·6	79	79·3	79·6
74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79·6	80	80·3	80·6
75·2	75·5	75·8	76·2	76·5	76·8	77·1	77·4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	80·6	81	81·3	81·6

Govt. of India Central Printing Office.—No. 767 L. D.—19-3-86.—3,700.

THE INDIAN SECURITIES ACT, 1886.

CONTENTS.

SECTIONS.

1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.
13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

[*Price two annas and nine pies.*]

ACT No. XIII of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March, 1886.)

An Act to consolidate and amend the law relating to Government Securities.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) The power conferred on the Governor General in Council by section 7, sub-section (*1*), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed.

III of 1881.
XIX of 1885.

(*2*) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

Definitions.

3. In this Act—

(*1*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after

after the passing of this Act, but does not include a stock-note or a currency-note: and

(*2*) "prescribed" means prescribed by rules made by the Governor General in Council.

Notice of trust not receivable.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Right of survivors of joint payees of Government securities.

5. (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons. IX of 1872.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

Prohibition of indorsements on allonges to Government securities.

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself. XXVI of 1881.

Holding of Government securities by holders for the time being of public offices.

7. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(*3*) When

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(*4*) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(*5*) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Transfer and discharge of certificates and coupons.

8. (*1*) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

(*2*) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

Indorser of Government security not liable for amount thereof.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Impression of signature on Government securities.

10. (*1*) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.

(*2*) A

(*2*) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

Issue of renewed securities.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of duplicate securities.

12. (*1*) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(*3*) A list of the securities in repect of which an order is passed under sub-section (*1*) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

Period after which the Government is released from liability

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security

security of which the renewed or duplicate security has been issued— in respect of original security.

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (*3*), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

14. The Governor General in Council may, from time to time, make rules to prescribe— Power of Governor General in Council to make rules.

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 11 and 12;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

Publication of drafts and rules.

15. (*1*) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

Government of India Central Printing Office.—No. 784 L. D.—23-3-86.—5,700.

ACT No. XIV OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th June, 1886.)

An Act to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

VII of 1870.

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

"(i) in applications under clause (*c*), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses (*l*), (*n*), (*o*) and (*p*), and in appeals from orders passed on applications under clauses (*d*), (*e*), (*f*), (*l*), (*n*), (*o*), (*p*), (*q*) and (*s*), according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual

[*Price one anna and six pies.*]

annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause (*m*), and in appeals from orders passed on applications under clauses (*j*), (*m*) and (*t*), according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act. Power of Board to transfer business.

3. After section 100 of the same Act the following sections shall be inserted, namely :—

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. (*1*) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"(*2*) The order passed by a Collector on an appeal transferred to him by the Commissioner under subsection (*1*) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"(*3*) The Local Government may by order recall any appeal transferred to a Collector under subsection (*1*), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Amendment of section 169 of same Act.

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely :—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrained property' and 'distrainer' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

5. In

Addition to section 189 of same Act.

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

Sections 19 196 and 197 of the same Act in part repealed.

6. In the same Act the last twelve words of section 196, the last twelve words of clause (*a*) of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

7. In section 194 of the same Act ~~the word "other" is repealed; and in~~ clause (*b*) ~~of the same~~ section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely:—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

11. In section 211, after clause (*d*) the following shall be inserted, namely:—

"(*e*) as to the transfer of appeals to Collectors under section 100B."

Saving of orders passed before Act came into force.

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

Government of India Central Printing Office.—No. 29 L. D.—5-7-86.—3,700.

The whole acts } amending act 2 of 87 repealed

ACT No. XV OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 10th June, 1886.*)

An Act to amend the North-Western Provinces Land-revenue Act, 1873.

XIX of 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows:—

New section inserted after section 11. Appointment, powers and duties of Additional Commissioner.

1. After section 11 the following section shall be inserted, namely:—

"11A. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(*2*) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(*3*) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"(*4*) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section (*3*), as if he were the Commissioner of the Division."

[*Price one anna.*]

Government of India Central Printing Office.—No. 30 L. D.—3-7-86.—3 700.

ACT No. XVI OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th July, 1886.)

An Act to make provision for the more speedy trial of certain accused persons in custody in Lower Burma.

WHEREAS it is expedient to make provision for the more speedy trial of certain accused persons in custody in Lower Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Lower Burma Gaols Delivery Act, 1886.

(2) It extends to such districts of Lower Burma as the Local Government may by notification in the official Gazette declare to be disturbed; and

(3) It shall come into force at once.

Construction.

2. *(1)* This Act shall, so far as is consistent with the terms thereof, be construed as one with the Code of Criminal Procedure, 1882.

of 1882.

(2) "Lower Burma" in this Act means the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885: and

(3) "Scheduled offence" means an offence mentioned in the schedule to this Act.

Conferment of powers of Court of Session on Magistrates.

3. *(1)* The Local Government may by notification in the official Gazette confer on any Magistrate of the first class the powers of a Court of Session as a Court of original jurisdiction for the trial of persons accused of scheduled offences.

(2) A Magistrate on whom those powers of a Court

[*Price two annas.*]

Court of Session have been so conferred may take cognizance of—

(a) any scheduled offence without the accused person being committed to him by a Magistrate, and

(b) such cases in which persons accused of any scheduled offence have been committed to the Court of Session by Magistrates as the Local Government by general or special order directs him to try or as the Sessions Judge of the Division makes over to him for trial.

(3) When a Magistrate in exercise of those powers of a Court of Session takes cognizance of any scheduled offence without the accused person being committed to him by a Magistrate, he shall follow the procedure prescribed by the Code of Criminal Procedure for the trial of warrant-cases by Magistrates, and the provisions of that Code relating to trial before a Court of Session shall not apply. X of 1882.

(4) Proceedings pending before a Magistrate under Chapter XVIII of the Code of Criminal Procedure at the time of the conferment on him of those powers of a Court of Session may be continued by him under Chapter XXI of that Code as if they had been commenced under the latter Chapter:

Provided that the accused person may demand that any witness who has given evidence before the conferment of the powers be re-summoned and re-heard.

(5) Sentences, judgments and orders passed by a Magistrate in exercise of those powers of a Court of Session shall be subject to confirmation, appeal and revision as if they had been passed by a Court of Session.

Appointment of Additional Judicial Commissioner.

4. *(1)* The Local Government, with the previous sanction of the Governor General in Council, may by notification in the official Gazette appoint such person

person or persons as it thinks fit to be an Additional Judicial Commissioner or Additional Judicial Commissioners, and to sit as such in any districts mentioned in the notification.

(2) An Additional Judicial Commissioner shall, with respect to scheduled offences, exercise within any districts in which he is appointed to sit such jurisdiction and powers of the Judicial Commissioner as the Local Government may prescribe.

(3) Every enactment for the time being applicable to the Judicial Commissioner shall apply to an Additional Judicial Commissioner when exercising any jurisdiction or powers under sub-section *(2)*.

Withdrawal of powers and cancelment of appointment under this Act.

5. The Local Government may withdraw any powers, and cancel any appointment, conferred or made under this Act.

Modification of Whipping Act.

6. Notwithstanding anything in Act VI of 1864 *(an Act to authorize the punishment of whipping in certain cases)*, but subject to the provisions of sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, a person convicted of a scheduled offence may be sentenced to whipping either in lieu of or in addition to any other punishment to which he may be liable under the Indian Penal Code.

X of 1882.

XLV of 1860.

Limitation for appeal from conviction of scheduled offence.

7. Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the Judicial Commissioner or an Additional Judicial Commissioner from a conviction of a scheduled offence shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

XV of 1877.

Expiration of Act.

8. This Act shall expire on the thirtieth day of June, 1887, or on such earlier date as the Local Government, with the previous sanction of the Governor General in Council, may by notification in the official Gazette appoint in this behalf.

THE SCHEDULE.

THE SCHEDULE.

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121A	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124A	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396.	Murder in dacoity.

397. Robbery

THE SCHEDULE—*concluded.*

Section of Indian Penal Code.	Offence.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

Govt. of India Central Printing Office.—No. 47 L. D.—4-8-86.—3,700.

ACT No. XVII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th September, 1886.)

An Act to annex the Town and Fort of Jhánsi and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. (*1*) This Act may be called the Jhánsí and Morar Act, 1886; and

(*2*) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the town and fort of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhánsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And

[*Price, two annas and three pies.*]

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government, should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district; XIV of 1874

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or in those lands, shall then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 18

Validation of acts done since the beginning of March, 1886.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if

if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

PART II.

AND whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district;

XIV of 1882. XVIII of 1867. XII of 1881.

And whereas the period of limitation prescribed for suits in the territories of His Highness is twelve years, and it is expedient that persons having just claims which, but for the cession of territory, they might have enforced in the Courts of His Highness, should not be debarred from enforcing those claims by reason of a shorter period of limitation being prescribed for any class of suits by the law in force in the Jhánsí district;

And whereas it is expedient that suits pending in the Courts of His Highness and left undetermined by those Courts by reason of cession of territory should be continued in the Courts of the Jhánsí district;

And whereas it is expedient to remove doubts as to the effect of the law in force in the Jhánsí district, with respect to registration and stamps, on documents and instruments to which at the time of their execution the law of His Highness applied and the law of British India did not apply;

It is hereby further enacted as follows:—

Execution of decrees of Gwalior Courts.

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the first clause of the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

(*2*) If in any case the Deputy Commissioner is of opinion that for special reasons the sanction ought to be withheld or ought to be granted subject to conditions, he may either withhold his sanction or permit the application to be made on any conditions which in the circumstances he deems it proper to impose; but in either of those cases he shall record the reasons in writing.

(*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act. XV of 1877.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

Extension of period of limitation for certain suits.

7. (*1*) Notwithstanding anything in the Indian Limitation Act, 1877, or in any other enactment, the Deputy Commissioner may, within such term, not exceeding two years from the commencement of this Act, as the Local Government may prescribe in this behalf XV of 1877.

behalf, admit any suit of a nature cognizable by the Courts of British India, which, if there had not been a cession of territory and the suit had been instituted in a Court of His Highness having jurisdiction with respect thereto, would not be liable to be dismissed by that Court by reason of its being barred by any law of limitation.

(*2*) In the computation of the period of limitation for a suit referred to in sub-section (*1*) which the plaintiff has been debarred from instituting by reason of the cession of the town and fort of Jhánsí to the British Government, there shall be excluded from the period the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*3*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner admitting or refusing to admit a suit under sub-section (*1*) shall be final.

Continuance of pending suits.

8. An original suit pending in a Court of His Highness and left undetermined by that Court by reason of cession of territory may be continued, under the law of limitation applicable to that Court, but otherwise in accordance with the law and procedure of British Indian Courts, in any Court in the Jhánsí district subordinate to the Court of the Commissioner which the Deputy Commissioner may appoint in that behalf.

Saving in favour of unregistered documents and unstamped instruments.

9. The provisions of the law of British India with respect to the consequences of documents being unregistered or instruments being unstamped shall not apply to any document or instrument which may have been executed before a date to be prescribed in this behalf by the Local Government, and to which the law of His Highness applied, and the law of British India did not apply, at the time of its execution.

PART III.

AND whereas it is expedient that traders and others who were entitled immediately before the cession of the

the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor General in Council, and that the period of limitation in these cases should be extended;

It is hereby further enacted as follows:—

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

10. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 66 to 75 (both inclusive) of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction. XV of 1877.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

Govt. of India Central Printing Office.—No. 60 L. D.—15-10-86.—3,700.

ACT No. XVIII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th September, 1886.)

An Act to amend Act XXXVI of 1858.

WHEREAS it is expedient to amend Act XXXVI of 1858 (*an Act relating to Lunatic Asylums*); It is hereby enacted as follows:—

1. After section 6 the following shall be inserted, namely:— New section inserted after section 6.

"**6 A.** (*1*) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer, may, by order in writing, authorize the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed. Detention of supposed lunatics under observation.

"(*2*) If the medical officer certifies further detention than has been authorized under sub-section (*1*) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police

[*Price one anna and three pies.*]

Police may from time to time, by order in writing, authorize such further detention as he deems to be necessary:

"Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorizing his detention for that purpose is made.

"(*3*) The Executive Government may from time to time make rules as to the place of detention, and the care and treatment, of supposed lunatics detained under this section."

Amendment of section 9.

2. To section 9 the words "Subject to the provisions of any enactment for the time being in force," shall be prefixed.

New sections to follow

3. After section 17 the following shall be inserted, namely:—

"**17 A.** When an Executive Government has not established within its limits a public asylum for the reception and detention of lunatics under this Act, the Governor General in Council may from time to time appoint an asylum established in British India beyond those limits to be an asylum to which a Magistrate or Judge exercising jurisdiction within those limits may send lunatics as to an asylum established under this Act for the division in which his jurisdiction is situate.

Use of provincial asylums as presidency asylums for purposes of the Act.

"**17 B.** The Governor General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort St. George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act."

Government of India Central Printing Office.—No. 71 L. D.—26-10-90.—3,700.

ACT No. XIX of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 24th September, 1886.*)

An Act to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

And whereas the functions assigned to the Governor General in Council by Regulation LII of 1803 (*for establishing a Court of Wards in the Provinces ceded by the Nawab Vazir to the Honourable the English East India Company*), which Regulation was extended to the Conquered Provinces by section 29, Regulation VIII, 1805, and to the Province of Benares by section 2, Regulation VI, 1822, were up to the twenty-second day of December, 1873, discharged by the Lieutenant-Governor of the North-Western Provinces, and it is expedient that their discharge by the said Lieutenant-Governor up to that date should be validated;

It is hereby enacted as follows:—

Transfer to Lieutenant-Governor of certain functions of

1. The sections of the enactments in the schedule to this Act which are specified in the third column of that schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under

[*Price one anna and three pies.*]

Governor General in Council.

under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor General in Council.

Validation of exercise by Lieutenant-Governor of functions of Governor General in Council under Regulation LII of 1803.

2. Sections 3, 7, 9 and 17 of Regulation LII of 1803 shall be deemed to have had effect in the North-Western Provinces as if the words "or the Lieutenant-Governor of the North-Western Provinces" had been inserted in those sections after the words "Governor General in Council" wherever the latter words occur.

THE SCHEDULE.

(*See section 1.*)

(*a*) *Bengal Regulations.*

Number and year.	Subject.	Sections.
1	2	3
V of 1799 . .	To limit the interference of the Zila and City Courts of Díwáni Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
IX of 1833 . .	For (*among other matters*) the more extensive employment of Native agency in the Revenue Department.	16, 17 & 25.

(*b*) *Act of the Governor General in Council.*

Number and year.	Subject.	Section.
XII of 1856 . .	To amend the law respecting the employment of amins by the Civil Courts in the Presidency of Fort William.	2

Government of India Central Printing Office.—No. 72, L. D.—25-10-86.—3,700.

ACT No. XX OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th September, 1886.)

An Act to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called "The Upper Burma Laws Act, 1886."

(*2*) This section and sections 2, 3, 4 and 5 shall come into force at once, and the rest of the Act shall come into force on such date (hereinafter called the commencement of this Act), within four months from the passing of the Act, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Constitution of Province of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely:—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma".

(*2*) The

[*Price three annas and six pies.*]

(*2*) The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor General in Council otherwise directs, continue to be in force therein. XIV of 1874.

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor General in Council may direct that that Act shall come into force therein.

Division of Upper Burma into divisions, districts, sub-divisions, townships and circles.

3. The Local Government may, for administrative purposes,—

(*a*) with the previous sanction of the Governor General in Council, divide Upper Burma into divisions, and each of those divisions into districts, and from time to time vary the limits of those divisions and districts; and

(*b*) of its own authority, divide each of those districts into sub-divisions, each of those sub-divisions into townships and each of those townships into circles, and from time to time vary the limits of those sub-divisions, townships and circles.

Construction of expressions "British Burma Gazette," "British Burma" and "Burma" in existing enactments.

4. Where in any enactment in force at the passing of this Act in the territories referred to in section 2, sub-section (*1*), clause (*b*), there occurs the expression "British Burma Gazette" or the expression "British Burma" or "Burma" (except where the expression "Burma" occurs in the Petroleum Act, 1886, section 3), it shall be construed as referring to the Burma XII of 1886

the Burma Gazette or to Lower Burma, as the case may be.

Repeal of enactments.

5. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma exclusive of the Shan States.

6. (*1*) Subject to the provisions of any Regulation under the Statute 33 Victoria, chapter 3, so much of each of the enactments specified in the second schedule to this Act as is at the commencement of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the XIV of 1874. Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the Town of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule.

(*2*) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the commencement of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

(*3*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma or in any part of Upper Burma specified in the notification.

(*4*) The limits of the Town of Mandalay for the purposes of this Act shall be the limits for the time being of the local area subject to the ordinary original jurisdiction of the Civil Court of Mandalay.

(*5*) This

(*5*) This section does not extend to the [Shan States.

Modification of certain enactments in force in Upper Burma exclusive of the Shan States.

7. (*1*) The following enactments specified in the First Part of the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely:—

(*a*) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted;

(*b*) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Thugyis and Myothugyis for the time being holding office shall be police officers, and shall be deemed to have been formally enrolled under this Act" shall be added;

(*c*) in Act VI of 1861 (*an Act to authorize the punishment of whipping in certain cases*), after section 5 the section and schedule in the third schedule to this Act shall be added;

(*d*) in the Indian Evidence Act, 1872, after the words "police-officer" in section 25 the words "who is not a Magistrate" shall be inserted; I of 1872.

(*e*) in the Dramatic Performances Act, 1876, the words "within such area" shall be omitted from the third paragraph of section 10, and for the first two paragraphs of that section the following shall be substituted, namely:— XIX of 1876

"No dramatic performance shall take place except under a license granted by the District Magistrate or such officer as the District Magistrate may appoint in this behalf.

"Any

"Any person who promotes or takes part in any dramatic performance in contravention of the foregoing portion of this section shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

(*2*) This section does not extend to the Shan States.

Law in the Shan States.

8. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, from time to time extend to all or any of the Shan States any enactment which is in force in any part of Upper Burma at the date of the extension, and at any time withdraw all or any of those States from the operation of any enactment so extended.

(*2*) Unless and until extended under sub-section (*1*), an Act of the Governor General in Council shall not be in force in any Shan State.

(*3*) The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, declare what territories constitute the Shan States for the purposes of this and the two last foregoing sections.

Power for Courts to construe enactments with necessary alterations.

9. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Validation of acts done after 17th November, 1885.

10. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance

pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before commencement of this Act.

11. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the commencement of this Act, for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

(*See section 5.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854 .	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863 .	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864 .	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872 .	An Act for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.	The whole.

THE SECOND SCHEDULE.

(*See section 6.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

Number and year.	Subject.
BENGAL REGULATIONS.	
XI of 1812 . . .	Removal of Foreign Emigrants.
III of 1818 . . .	State Prisoners.
ACTS OF THE GOVERNOR GENERAL IN COUNCIL.	
V of 1843 . . .	Slavery.
XVIII of 1850 . .	Protection of Judicial Officers.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

Enactments declared in force in Upper Burma generally—contd.

Number and year.	Subject.
ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*	
XIX of 1850	Apprentices.
XXXIV of 1850	State Prisoners.
XXXVII of 1850	Inquiries into behaviour of Public Servants.
VIII of 1851	Tolls on Roads and Bridges.
XXX of 1852	Naturalization of Aliens.
II of 1853	Burdens on Land.
XII of 1855	Executors and Administrators.
XIII of 1855	Compensation for death caused by actionable wrong.
XXIV of 1855	Penal Servitude.
XI of 1857	State Offences.
III of 1858 (s. 5)	State Prisoners.
XXXV of 1858	Lunatics.
XXXVI of 1858	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
~~XV of 1859~~	~~Inventions.~~
IX of 1860	Disputes between Workmen and Employers.
~~XXVII of 1860~~	~~Collection of Debts on Successions.~~
XLV of 1860	Penal Code.
V of 1861	Police.
III of 1864	Foreigners.
VI of 1864 (except s. 6)	Whipping.
III of 1865	Carriers.
X of 1865	Succession.
XIV of 1866	Post Office.
III of 1867	Public Gambling.
XXV of 1867	Printing Presses and Newspapers.
XXXII of 1867	Chief Commissioners' Powers.
I of 1868	General Clauses.
IV of 1869	Divorce.
V of 1869	Indian Articles of War.
XV of 1869	Prisoners' Testimony.
XX of 1869	Volunteers.
VII of 1870	Court-fees.
XX of 1870	Court-fees Act Amendment.
XXIII of 1870	Coinage.
XXVI of 1870	Prisons.
XXVII of 1870	Penal Code Amendment.
I of 1871	Cattle-trespass.
V of 1871	Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*concld.*

Enactments declared in force in Upper Burma generally—concld.

Number and year.	Subject.
ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concld.*	
XXIII of 1871	Pensions.
I of 1872	Evidence.
~~XIII of 1872~~	~~Patterns and Designs.~~
XV of 1872	Christian Marriage.
XVIII of 1872	Evidence Act Amendment.
XIX of 1872	Penal Code Amendment.
II of 1873	Burma Ferries.
X of 1873	Oaths.
XIV of 1873	Lunatic Soldiers.
IV of 1874	Foreign Recruiting.
IX of 1874	European Vagrancy.
XIV of 1874	Scheduled Districts.
V of 1875	Native Soldiers.
IX of 1875	Majority.
XIII of 1875	Probates.
XI of 1876	Presidency Banks.
XIX of 1876 (except s. 12)	Dramatic Performances.
I of 1877 (s. 9)	Specific Relief.
II of 1877	Probates.
XI of 1877	Military Lunatics.
XV of 1877	Limitation.
VI of 1878	Treasure Trove.
XI of 1878	Arms.
I of 1879	Stamps.
III of 1879 (ss. 2, 4 and 8)	Destruction of Records.
IV of 1879	Railways.
V of 1879	Presidency Banks Act Amendment.
XXI of 1879	Extradition.
~~III of 1880~~	~~Cantonments.~~
~~V of 1881 (s. 153)~~	~~Probate and Administration.~~
III of 1882 (s. 3)	Seditious Publications.
VI of 1882	Companies.
VIII of 1882	Penal Code Amendment.
IX of 1882	Prisoners Act Amendment.
XX of 1882	Paper Currency.
IV of 1883	Railways.
XIX of 1883	Land Improvement Loans.
XVI of 1884	Burma Gaming.
XIII of 1885	Telegraphs.
X of 1886 (ss. 21 to 25 both inclusive).	Penal Code and Prisoners Act Amendment.
XIII of 1886	Securities.

THE SECOND SCHEDULE—*concld.*

SECOND PART.

Enactments declared in force in the Town of Mandalay only.

Number and year.	Subject.
ACTS OF THE GOVERNOR GENERAL IN COUNCIL.	
~~XI of 1865 . . .~~	~~Mufassal Small Cause Courts.~~
IX of 1872 . . .	Contracts.
I of 1877 . . .	Specific Relief.
V of 1881 . . .	Probate and Administration.
XXVI of 1881 . .	Negotiable Instruments.
XIV of 1882 . . .	Code of Civil Procedure.
II of 1885 . . .	Negotiable Instruments Act Amendment.
IV of 1886 . . .	Contract Act Amendment.

THE THIRD SCHEDULE.

(*See section 7, sub-section (1), cl. (c).*)

ADDITION TO ACT VI OF 1864.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor General in Council, remove the suspension of its operation.

"THE SCHEDULE.

(*See section 6, sub-section (1).*)

Section of Indian Penal Code.	Offence.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.

THE THIRD SCHEDULE—*concld.*

Section of Indian Penal Code.	Offence.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

Government of India Central Printing Office.—No. 73 L. D.—29-10-86—3 850.

ACT No. XXI OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th September, 1886.)

An Act to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawáb Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khás Mahál of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas, in the years 1814, 1825 and 1838, loans, known respectively as the 1st, 3rd and 6th Oudh loans, were made by the Rulers of Oudh to the Honourable the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And

[*Price one anna and three pies.*]

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act; XXIII of 1871.

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871;

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Oudh Wasikas Act, 1886.

Application of Act XXIII of 1871 to Wasikas.

2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of the Pensions Act, 1871, and that Act shall apply to them as if they were pensions of the classes referred to in sections 4 and 11 of that Act, XXIII of 1871.

Govt. of India Central Printing Office.—No. 74 L. D.—26-10-86.—3,700.

THE OUDH RENT ACT, 1886.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.
4. Restrictions on exclusion of Act by agreement.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

5. Tenants having a right of occupancy.
6. Saving of power to confer right of occupancy.
7. Loss of right of occupancy.

Tenants' Right to Pattas.

8. Tenant's right to patta.
9. Patta to which tenant having right of occupancy is entitled.
10. Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

11. Landlord's right to counterpart.

Arrears of Revenue or Rent.

12. What to be deemed an arrear of revenue or rent.

Receipts.

13. Receipts for rent.

Deposit

[*Price thirteen annas.*]

Deposit of Revenue or Rent in Court without Suit.

SECTIONS.

14. Power to pay into Court amount of revenue or rent due.
15. Procedure on making and withdrawing such payment.
16. Limitation for suits for balance of revenue or rent.

Illegal Enforcement of Payment of Rent.

17. Compensation to under-proprietor or tenant for illegal enforcement of payment.

Abatement of Rent.

18. Suits for abatement of rent by under-proprietor or tenant.

Remission of Rent.

19. Remission of rent by order of Court.

Relinquishment of Land.

20. Relinquishment of land by tenant.
21. Abandonment of holding.

Compensations for Tenants' Improvements.

22. Tenant's right to compensation for improvements.
23. Landlord's consent to tenant's improvement.
24. Reference to Deputy Commissioner when consent is refused.
25. Registration of outlay on improvements.
26. "Improvement" defined.
27. Principle on which compensation is to be estimated.
28. Modes of making compensation.
29. Improvements by the landlord.

Survey and Measurement.

30. Landlord's right to enter and measure lands.

CHAPTER III.

PAYMENT OF RENT IN KIND.

31 Division or appraisement of produce.
32 Procedure in case of dispute.

CHAPTER IV.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

Part A.— Tenants with Right of Occupancy.

SECTIONS.

33. Enhancement of rent of tenant with right of occupancy.
34. Term for re-enhancement after decision fixing rent under section 33.
35. Enhancement on re-assessment of revenue.

Part B.—Other Tenants.

36. Tenant in occupation at passing of Act: the conditions of his statutory tenancy.
37. Tenant admitted after passing of Act: the conditions of his statutory tenancy.
38. Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.
39. Enhancement by notice.
40. Time for service of notice of enhancement.
41. Contents of the notice.
42. Service of the notice.
43. Grounds on which tenant may contest his liability to enhancement.
44. Tenant's liability for enhanced rent.
45. Commencement of fresh statutory period.
46. Vacating tenant's right to compensation for improvements.
47. Rent of tenant succeeding to vacant holding.
48. Rights of the heir of a deceased tenant.
49. Rent of tenant succeeding to a holding vacated by the death of the previous tenant.
50. Enhancement of rent for improvements made or acquired by landlord.
51. Power for Local Government to vary the limit of enhancement of rent.

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

52. Ejectment of tenants holding on special terms.

Other Tenants.

53. Ejectment of other tenants.
54. Ejectment by notice.

55. Contents

SECTIONS.

55. Contents, service and cost of notice.
56. Grounds on which tenant may contest liability to ejectment.
57. Compensation for improvements, if any, to be claimed in suit contesting liability to ejectment.
58. Determination of the claim.
59. Tenancy to cease if notice is not contested.
60. When assistance to eject may be given by Court.
61. Ejectment by application.
62. Ejectment by suit.

General.

63. Time of ejectment of tenant.
64. Time of ejectment of thíkadár
65. Preferment by tenants of claims for compensation for improvements in suits for ejectment.
66. Compensation to ejected tenant for growing crops.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sír Lands.

67. Sír lands.

Thekadárs, Mortagagees and Sub-tenants.

68. Thíkadárs, mortgagees and sub-tenants.

Long Leases.

69. Incidents of leases for eight years or upwards.

Miscellaneous.

70. Evidence respecting change of rent or alteration of area of holding.
71. Construction of certain expressions.

CHAPTER VII.

DISTRESS FOR ARREARS OF RENT.

72. Recovery of arrears of rent by distress.
73. Distress not permissible in certain cases.
74. Power of distress by whom exerciseable.

75. Distress

SECTIONS.

75. Distress by servants.
76. Crops liable to distress.
77. Demand of arrear before or at time of distress.
78. Value of distress and service of list of distrained property on owner.
79. Reaping and storing standing crops distrained.
80. Application by distrainer in case of resistance.
81. Withdrawal of distress on tender of arrear and costs.
82. Application for sale.
83. Form of application.
84. Procedure on receipt of application.
85. Suspension of sale on institution of suit.
86. Suit to contest distrainer's demand.
87. Withdrawal of distress on execution of bond.
88. Sale.
89. Place and manner of sale.
90. Postponement of sale.
91. Payment of purchase-money.
92. Proceeds of sale.
93. Officers holding sales not to purchase.
94. Illegal acts of distrainer to be reported.
95. Recovery of expenses where sale does not take place.
96. Second proclamation of sale when arrears are adjudged to be due.
97. Distrainer to prove the arrear in suit to contest his demand.
98. Compensation for vexatious distress.
99. Suit by third party claiming property distrained.
100. Rules applicable to suit by third party.
101. Landlord's prior claim to distrainable produce in possession of defaulting tenant.
102. Stranger claiming to be landlord and to have right of distress to be made a party.
103. Suit for illegal distress.
104. Suit for illegal act of distrainer.
105. Suit for distress or sale falsely purporting to be under the Act.
106. Procedure in case of resistance to distress.
107. Punishment of offender.

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

108. Suits cognizable under the Act.

Grades

Grades of Courts.

SECTIONS.

109. Grades of Courts for the purposes of the Act.
110. Power to invest officers with powers of Assistant Collector.
111. Deputy Commissioner to have Collector's powers.
112. Investment of Settlement-officers with powers of Collector or Assistant Collector.
113. Jurisdiction of Assistant Collector of the 2nd class.
114. Jurisdiction of Assistant Collector of the 1st class.
115. Jurisdiction of Collector.
116. Jurisdiction of Commissioner.
117. Jurisdiction of Judicial Commissioner.

Appeals.

118. Limitation for appeals.
119. Restrictions on appeals.
120. Appeals from orders of Deputy Commissioners acting as such.

Distribution of Business.

121. Power of Deputy Commissioner to distribute business.

Transfer of Suits and other Proceedings.

122. Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.
123. Transfer of suits and other proceedings by Judicial Commissioner.

Miscellaneous.

124. General subordination of Courts.
125. Suits by or against managing agents or tahsíldárs of estates held under direct management.
126. Sharer to exercise certain powers only through manager or lambardár.
127. Rent payable for land occupied without consent of landlord.
128. Place of sitting of Courts.

CHAPTER IX.

LIMITATION OF SUITS.

129. General limitation.
130. Suits for delivery of pattas or counterparts
131. Suits

SECTIONS.

131. Suits for recovery of holdings treated as abandoned.
132. Suits for arrears of revenue or rent or share of profits.
133. Suits against agents for money, or delivery of accounts or papers.
134. Suits regarding distress and division or appraisement of produce.

CHAPTER X.

PROCEDURE.

135. Application of the Code of Civil Procedure to proceedings under this Act.
136. Mode of service of notices.
137. Contents of plaints.
138. Third person claiming rent to be made a party.
139. Summons to defendant to be for final disposal in certain suits.
140. Set-off in suits for arrears of rent.
141. Interest on arrears of rent.
142. Payment of money into Court by defendant.
143. Proceeding for balance where defendant pays less than amount claimed.
144. Making of local investigations by Court.

Decrees.

145. Time for the making of applications for execution.
146. Immediate execution of decree.
147. Decree for enhancement to state date of commencement of enhancement.
148. Enforcement of decree for delivery of papers or accounts.
149. Decrees for patta or counterpart to specify certain particulars.
150. Grant of patta or counterpart in case of defendant's refusal.
151. Execution to be first made against moveable property.
152. Sale of under-proprietary right in execution of decree for arrears of rent.
153. Registration of incumbrance created by under-proprietor.
154. Proprietor's lien for rent payable by under-proprietor.
155. Right of pre-emption at execution-sale.

CHAPTER XI.

GENERAL.

SECTIONS.

156. Registration of statutory pattas unnecessary.
157. Exclusion of specified areas from certain provisions of the Act.
158. Power to make rules.

SCHEDULE A.—DECLARATION OF TENANT DEPOSITING REVENUE OR RENT IN COURT (SECTION 15).
SCHEDULE B.—NOTICE TO LANDLORD (SECTION 15).
SCHEDULE C.—NOTICE ON DISTRAINT (SECTION 84).
SCHEDULE D.—AREAS EXCLUDED FROM CERTAIN PROVISIONS OF ACT (SECTION 157).

ACT No. XXII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st October, 1886.)

An Act to consolidate and amend the law relating to Rent in Oudh.

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Oudh Rent Act, 1886.

(*2*) Save as provided thereby, it shall extend to the territories for the time being comprised in the Province of Oudh; and

(*3*) It shall come into force on the first day of January, 1887.

(*4*) Any power conferred by this Act on the Chief Commissioner to make rules, or to issue orders, may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. (*1*) The Oudh Rent Act, XIX of 1868, is hereby repealed, but all notifications published and rules made under that Act shall, so far as may be, be deemed to have been published and made under this Act.

(*2*) The

(*2*) The following enactments also are hereby repealed, namely :—

(*a*) section 40 of the Oudh Civil Courts Act XXXII of 1871;

(*b*) sections 23 and 24 of the Oudh Laws Act, XVIII of 1876; and

(*c*) section 1 of Act XIV of 1878.

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

(*2*) "suit" means a suit under this Act:

(*3*) "land" includes the ungathered produce of land, whether spontaneous or not, and whether growing in earth or in water, but shall not include land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as that land is not let to agricultural tenants:

(*4*) "revenue" means money payable to the Government on account of land: in sections 34 and 35 it means land-revenue only:

(*5*) "rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or on account of any right in land, or on account of the use of water for irrigation:

(*6*) "proprietor" does not include an under-proprietor; and where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

(*7*) "proprietary right" means a proprietor's right in land:

(*8*) "under-proprietor"

(*8*) "under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

(*9*) "under-proprietary right" means an under-proprietor's right in land:

(*10*) "tenant" means any person, not being an under-proprietor, who is liable to pay rent; and in the following portions of this Act, namely, sections 13, 14, 15, 17, 18, 29, 53, 54, 55, sub-sections (*1*) and (*2*), 56, 59, 60, 61, 62, 108, 126 and 138, but in no others, the expression "tenant" shall be held to include a thíkadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

(*11*) "landlord" means any person to whom an under-proprietor or a tenant is liable to pay rent:

(*12*) "representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person, and includes the guardian of a minor and the legal curator of a lunatic or idiot:

(*13*) "prescribed" means prescribed from time to time by the Chief Commissioner by rules under this Act:

(*14*) "registered" means registered under any Act for the time being in force for the registration of documents:

(*15*) "signed" includes marked, when the person making the mark is unable to write his name: and

(*16*) "value," used with reference to a suit, means the amount or value of the subject-matter of the suit.

Restrictions on exclusion of Act by agreement.

4. (*1*) Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.

(*2*) Nothing in any contract made between a landlord

lord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them.

(*3*) Where land not previously cultivated has been or is hereafter let by a landlord to a tenant, either after being reclaimed by or at the expense of the landlord or for the purpose of being reclaimed by the tenant, nothing in this section shall be construed to affect the conditions of any contract relating to that land until fourteen years have elapsed from the date on which the land was first brought under cultivation.

(*4*) Where land has remained uncultivated during a period of seven years, it shall for the purposes of the last foregoing sub-section be deemed to have not been previously cultivated.

(*5*) This section does not apply to tenants having a right of occupancy or to sub-tenants.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

Tenants having a right of occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for those lands according to the provisions of this Act, have a right of occupancy under the following rule:—

Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor

prietor in a village or estate shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing entered into between a landlord and tenant after the twenty-second day of July, 1868.

Saving of power to confer right of occupancy.

6. Nothing in the last foregoing section shall be construed to restrict the power of a landlord to confer by registered document on any persons other than those mentioned in that section a right of occupancy in the lands which they hold or cultivate.

Loss of right of occupancy.

7. If a tenant having a right of occupancy is ejected, in accordance with the provisions of section 52, from the land in which he possesses the right, he shall thereupon lose his right of occupancy in that land.

Tenants' Right to Pattas.

Tenant's right to patta.

8. Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the tenancy, signed by the landlord or his authorized agent, and containing the following particulars, namely:—

(*a*) the quantity of land and, where the fields comprised in the patta have been numbered in a Government survey, the number of each field;

(*b*) the

(*b*) the term for which the tenancy is to run;

(*c*) the amount of rent payable;

(*d*) the instalments in which and the times at which that amount is to be paid;

(*e*) any special conditions not inconsistent with the provisions of this Act; and

(*f*) if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

Patta to which tenant having right of occupancy is entitled.

9. Tenants having a right of occupancy are entitled to receive pattas at rates of rent determined in accordance with the provisions of Chapter IV, Part A, of this Act.

Patta to which tenant not having right of occupancy is entitled.

10. Tenants not having a right of occupancy are entitled to pattas for the terms and at the rates prescribed in Chapter IV, Part B, of this Act.

Landlords' Right to Counterparts.

Landlord's right to counterpart.

11. Every landlord who grants a patta is entitled to receive from the tenant a counterpart signed by or on behalf of the tenant.

Arrears of Revenue or Rent.

What to be deemed an arrear of revenue or rent.

12. Any instalment of revenue or rent which is not paid on or before the day when it becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

Provided that, unless the proprietor and under-proprietor have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which the rent is payable

is situate, and to be payable in the same number of instalments as the revenue; and the amount of each instalment of the rent shall bear the same proportion to the whole of the rent payable for the year as the amount of each instalment of the revenue bears to the whole of the revenue payable for the year.

Receipts.

Receipts for rent.

13. (*1*) Every receipt for rent shall specify the year or years on account of which the rent has been paid; and any refusal to make that specification shall be held to be a withholding of a receipt.

(*2*) If a receipt for rent paid by an under-proprietor or tenant is withheld from him without sufficient cause, he may recover compensation from the landlord up to an amount not exceeding that of the rent paid.

Deposit of Revenue or Rent in Court without Suit.

Power to pay into Court amount of revenue or rent due.

14. (*1*) If a co-sharer, under-proprietor or tenant from whom any revenue or rent is due in respect of the land held or cultivated by him, tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it, and that person does not accept the amount and forthwith give a receipt in full therefor, the co-sharer, under-proprietor or tenant may, without any suit having been instituted against him, deposit the amount in Court to the credit of the person authorized to receive it.

(*2*) The deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lambardár or landlord of the amount so deposited.

Procedure on making and withdrawing such payment.

15. (*1*) The Court shall receive the deposit on the written application of the co-sharer, under-proprietor

or tenant, or his recognized agent; and on the applicant making a declaration in the form set forth in Schedule A to this Act, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

(*2*) The declaration shall be verified in the manner prescribed for the verification of plaints by section 52 of the Code of Civil Procedure, and shall be signed by the person making it. XIV of 1882.

(*3*) Upon receiving the deposit, the Court shall issue to the person to whose credit it has been paid a notice in the form set forth in Schedule B to this Act.

(*4*) The notice shall be served by the proper officer without the payment of any fee.

(*5*) If the person to whose credit the deposit has been paid, or his recognized agent, appears and applies for it, the Court shall cause it to be paid to him.

(*6*) The application under sub-section (*5*) may be on plain paper.

Limitation for suits for balance of revenue or rent.

16. Where a deposit has been made under the provisions of the two last foregoing sections, a suit shall not be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless the suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Illegal Enforcement of Payment of Rent.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

17. (*1*) If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for the illegal enforcement of the payment, the Court may award to him compensation, not exceeding the sum of two hundred rupees,

rupees, in addition to any amount for which it makes a decree in respect of the payment itself.

(*2*) An award of compensation under sub-section (*1*) shall not bar any prosecution to which the person illegally enforcing the payment may be liable under any law for the time being in force.

Abatement of Rent.

Suit for abatement rent by under-proprietor or tehant.

18. Save as provided by section 29, sub-section (*4*), a suit for an abatement of the rent of a holding shall not be brought by an under-proprietor or tenant except on the ground that the area of the holding has diminished, or on some ground specified in a lease, agreement or decree under which he holds:

Provided that, if the under-proprietor holds a sub-settlement in a revenue-paying estate, an abatement shall not be allowed to the under-proprietor unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

Remission of Rent.

Remission of rent by order of Court.

19. (*1*) Notwithstanding anything in the last foregoing section, a Court, when it makes a decree for an arrear of rent, may, with the previous sanction of the Deputy Commissioner, allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been materially diminished by diluvion or otherwise, or if the produce of that land has been diminished by drought, hail or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be paid.

(*2*) Where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the

the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue.

(*3*) A remission shall not be allowed under this section to an under-proprietor holding a sub-settlement, or to a tenant having a right of occupancy, unless a remission of revenue has been allowed on the same ground and by competent authority in the same village.

Relinquishment of Land.

Relinquishment of land by tenant.

20. (*1*) A tenant shall continue liable for the rent of the land in his holding unless on or before the fifteenth day of March in any year he gives to the landlord or to the recognized agent of the landlord notice in writing of his desire to relinquish that land, and relinquishes it accordingly.

(*2*) If the landlord or his recognized agent refuses to receive the notice or to sign and deliver a receipt therefor, the tenant may, before the latest date prescribed for giving the notice, apply on plain paper to the tahsíldár or proper officer, and written notice of the desire of the tenant to relinquish the land shall then be served on the landlord at the expense of the tenant.

(*3*) A tenant cannot without the consent of his landlord relinquish a part only of his holding.

(*4*) Nothing in this section shall entitle a tenant holding under a registered document under section 69 to relinquish his holding otherwise than in accordance with the terms of that document.

Abandonment of holding.

21. (*1*) If a tenant abandons his holding without informing his landlord and without arranging for the cultivation of the holding, the landlord may at any time after the fifteenth day of May enter on the holding.

(*2*) Before a landlord enters on a holding under sub-section

sub-section (*1*), he shall file a notice in the prescribed form at the office of the tahsíldár for service on the tenant stating that he has treated the holding as abandoned and is about to enter on it accordingly.

(*3*) When a landlord enters on a holding under sub-section (*1*), the tenant may institute a suit under this Act to recover possession of the holding, and the Court shall, on being satisfied that the tenant did not voluntarily abandon the holding, order recovery of possession on such terms with respect to the time of delivery of possession, the payment of arrears of rent, if any, and, if injury has been caused by the wrongful act, neglect or default of any party to the proceeding, with respect also to the payment of compensation by that party, as to the Court may seem just.

Compensation for Tenants' Improvements.

Tenant's right to compensation for improvements.

22. (*1*) If a tenant, or a person from whom he has inherited, has made any such improvement on his holding as is hereinafter in this Chapter mentioned, neither he nor his representative shall be ejected from the holding unless and until he or his representative, as the case may be, has received compensation for the improvement:

Provided that compensation shall not be payable for any improvement made thirty years or more before the date on which the ejectment is to take effect.

(*2*) An improvement made by a tenant for the benefit of his holding on land belonging to the person who is entitled to receive the rent of the holding shall for the purposes of this section be deemed to have been made on the holding of the tenant.

Landlord's consent to tenant's improvement.

23. Except as provided in the next following section, a tenant shall not be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.

24. (*1*) If

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 24-26.)

Reference to Deputy Commissioner when consent is refused.

24. (*1*) If a tenant applies for the written consent of his landlord to the making of an improvement on his holding, and the landlord omits or refuses to grant it, the tenant may apply to the Deputy Commissioner for permission to make the improvement.

(*2*) When an application is made to the Deputy Commissioner under sub-section (*1*), he shall take into consideration any objections which the landlord may have to urge on either of the following grounds, namely :—

(*a*) that the improvement is too costly or is unsuitable to the nature of the tenant's holding, or

(*b*) that the landlord is himself prepared to make the improvement,

and shall then either grant the permission on such conditions as he considers fair and equitable or refuse the application.

Registration of outlay on improvements.

25. (*1*) If either the landlord or the tenant desires the amount expended on an improvement executed with the permission of the Deputy Commissioner under the last foregoing section to be determined and registered, the Deputy Commissioner shall, on application made to him for the purpose, determine the amount of the outlay, and enter it in a register kept in the prescribed form.

(*2*) The entry in the register shall be conclusive proof of the amount of the outlay in any subsequent proceedings respecting the cost of the improvement.

"Improvement" defined.

26. The word "improvement", as used in this Act, means a work by which the annual letting value of land has been, and at the time of a demand for compensation continues to be, increased, and comprises—

(*a*) the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage and for protection

tion against floods; the construction of wells; the reclamation of waste land and jungle; and other works of a like nature:

(*b*) the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for the maintenance thereof and increase durably their value.

Principle on which compensation is to be estimated.

27. In estimating the compensation to which a tenant is entitled for an improvement regard shall be had—

(*a*) to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(*b*) to the condition of the improvement and the probable duration of its effects;

(*c*) to the labour and capital required for the making of such an improvement;

(*d*) to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and

(*e*) in the case of a reclamation, or of the conversion of unirrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.

Modes of making compensation.

28. When a Court has assessed the amount of the compensation due to a tenant, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon between them.

Improvement by the landlord.

29. (*1*) A landlord may make an improvement on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.

(*2*) A

(*Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Section 30.—Chapter III.—Payment of Rent in kind.—Section 31.*)

(*2*) A landlord intending to make an improvement shall, if any part thereof is to be made on the holding of any such tenant, give notice of his intention to the tenant through the tahsíldár.

(*3*) A landlord making an improvement on the holding of any such tenant shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it.

(*4*) If the effect of the improvement is to impair the productive powers of the holding, the tenant shall, in addition to any compensation which may be awarded to him under sub-section (*3*), be entitled to such abatement of his rent as to the Court seems just.

(*5*) A landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.

Survey and Measurement.

Landlord's right to enter and measure lands.

30. A landlord and his agents and surveyors may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the land.

CHAPTER III.

PAYMENT OF RENT IN KIND.

Division or appraisement of produce.

31. Where rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other proceeding of a similar nature requiring the presence of both the tenant and the landlord either personally or by recognized agent, if either party neglects to be present at the proper time, or if a dispute arises between the parties regarding the division, estimate, appraisement or proceeding, either party

party may present an application to the Court, requesting that a proper officer be deputed to make the division, estimate or appraisement or conduct the proceeding.

Procedure in case of dispute.

32. (*1*) On receiving the application, the Court shall issue a written notice to the other party to attend at a time and place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made or the proceeding conducted.

(*2*) The award of that officer in respect of the division, estimate, appraisement or proceeding shall be final, unless, within one month from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

Part A.—Tenants with Right of Occupancy.

Enhancement of rent of tenant with right of occupancy.

33. (*1*) A tenant having a right of occupancy in any land shall not, in case of dispute as to the rent to be paid in respect of the land, be liable to an enhancement of the rent except in pursuance of a decree made under this Act on some one of the following grounds, namely :—

1st ground.—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding that rate.

2nd ground.—That the rate of rent paid by him is more than twelve-and-a-half per cent. below the rate

of

of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding that rate, less twelve-and-a-half per cent.

3rd ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

(*2*) Nothing in sub-section (*1*) shall affect the terms of any agreement in writing entered into between a landlord and tenant after the twenty-second day of July, 1868.

Term for re-enhancement after decision fixing rent under section 33.

34. After a decision has been passed in accordance with the last foregoing section, a suit shall not lie for re-enhancement of the rent until the expiration of five years from the date of the decision, except on the 3rd ground mentioned in that section, or, in the case referred to in the next following section, until, by re-assessment within the term of five years, the revenue of the land has been increased.

Enhancement on re-assessment of revenue.

35. If, on a re-assessment of the revenue, the rent of the tenant cannot be enhanced under section 33 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at the re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

Part B.—Other Tenants.

Tenant in occupation at passing of

36. Every tenant, not being a tenant with a right of occupancy or a sub-tenant, shall be entitled to retain

retain possession of the holding occupied by him at the time of the passing of this Act, at the rent then payable by him, for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding, or, where no such change or alteration has taken place, from the date on which the tenant was admitted to the occupation of the holding.

Act: the conditions of his statutory tenancy.

37. Every such tenant who may be admitted to the occupation of a holding after the passing of this Act shall be entitled to retain the same for a period of seven years from the date of his admission at a rent agreed upon with the landlord in accordance with the provisions of this Act; and every such tenant, in the area of whose holding or in the amount of whose rent any change is made by the landlord subsequently to the passing of this Act, shall be deemed to be admitted to the occupation of a holding within the meaning of this section.

Tenant admitted after passing of Act: the conditions of his statutory tenancy.

Explanation I.—"Holding" means a parcel or parcels of land held by a tenant and forming the subject of a separate engagement. The engagement may be express or implied.

Explanation II.—This section and section 36 have effect subject to the provisions of section 4, sub-sections (*3*) and (*4*), relating to land not previously cultivated, and subject also to section 157, excluding certain classes of land from the operation of certain sections of this Act.

38. (*1*) A landlord may enhance the rent of a tenant to whom section 36 or section 37 applies, either by contract in accordance with the provisions of this section or by notice as hereinafter provided.

Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.

(*2*) Subject to the provisions of sections 49 and 50, the enhancement shall not in any case exceed one anna in the rupee, or six-and-a-quarter per cent., on the annual rent payable by the tenant at the time when the contract was made or the notice was issued:

(*3*) Provided

(*3*) Provided that, where rent is paid in kind, the proportion of produce paid as rent by a tenant shall not be subject to increase except in accordance with an established custom of the pargana in which the land is situate.

Enhancement by notice.

39. If a landlord desires that the rent of a tenant to whom section 36 or section 37 applies be enhanced on the expiration of the term of seven years referred to in section 36 or section 37, as the case may be, or at any time during the currency of that term in the case mentioned in section 50, he may cause a notice to that effect to be served under section 42.

Time for service of notice of enhancement.

40. (*1*) A notice whereby enhancement is claimed on account of the expiration of the period of the tenancy shall not be served before the commencement of the last year of the tenancy.

(*2*) A notice of enhancement on account of an improvement made or acquired by the landlord may be served at any time during the currency of the tenancy.

Contents of the notice.

41. The notice shall be written in Hindí and Urdú, and shall specify the land, the amount of the present rent and the amount of the enhancement, and require the tenant, if he refuses to pay the enhancement, to vacate the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within thirty days from the date of the service thereof.

Service of the notice.

42. On the application of the landlord to the tahsíldár or other prescribed officer the notice shall be served by the officer on or before the fifteenth day of February at the expense of the landlord.

Grounds on which tenant may contest his liability to enhancement.

43. The tenant may institute a suit to contest the notice of enhancement, within thirty days from the date of the service thereof, on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land specified in the notice;

(*b*) that

(*b*) that he holds under a special agreement or decree of Court or lease under the terms of which his rent is not liable to enhancement;

(*c*) that the enhancement claimed is in excess of the rate authorized by law;

(*d*) that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37 equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) that the notice has not been served in the manner required by this Act;

(*f*) that, where the enhancement claimed is on account of an improvement, the amount claimed is excessive.

Tenant's liability for enhanced rent.

44. (*1*) If the tenant does not contest the notice of enhancement and remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, he shall become liable for the enhanced rent.

(*2*) If the tenant contests the notice, and the validity thereof is maintained by the Court in whole or in part, he shall, if he remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, become liable for the enhanced rent to the extent to which the Court has maintained the validity of the notice.

Commencement of fresh statutory period.

45. If the tenant by remaining in possession of the land under the last foregoing section becomes liable for enhanced rent, he shall be entitled to hold the land at that rent for a further period of seven years.

Vacating tenant's right

46. If the tenant refuses to accept the enhancement

to compensation for improvements.

ment claimed or decreed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.

Rent of tenant succeeding to vacant holding.

47. (*1*) Except in the cases mentioned in sections 49 and 50, the rent of a tenant admitted to the occupation of any land the tenancy of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six-and-a-quarter per cent., the rent payable by the tenant immediately preceding him.

(*2*) In the case of a tenant admitted to the occupation of a holding of which the rent has been immediately before his admission paid in kind, the rent payable shall, subject to any established custom of the pargana in which the holding is situate, be either the rent payable by the tenant immediately preceding him, or a sum which, subject to the provisions of sections 49 and 50, shall not exceed by more than six-and-a-quarter per cent. the equivalent of the value of the produce annually paid as rent on the average of the three years immediately preceding.

Rights of the heir of a deceased tenant.

48. (*1*) The heir of a tenant who dies during the currency of the tenancy of a holding shall be entitled to retain occupation of the holding at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or ejectment, and to receive compensation under the provisions of this Act for improvements, if any, made on the holding by himself or his predecessor in interest, but shall not be entitled to a renewal of the tenancy.

(*2*) Subject to any rights which he may have under section 22 as a representative of the deceased, a collateral relative who did not at the date of the death of the deceased share in the cultivation of the holding shall not be deemed to be an heir of the deceased within the meaning of this section.

49. The

Rent of tenant succeeding to a holding vacated by the death of the previous tenant.

49. The rent of a tenant admitted to the occupation of any land the tenancy of which has ceased in consequence of the death of a previous tenant, or of the ejectment of a thíkadár or mortgagee from land of which he has taken cultivating possession during the period of his thíka or mortgage, shall be such amount as may be agreed upon between him and the landlord.

Enhancement of rent for improvements made or acquired by landlord.

50. (*1*) Nothing in the foregoing sections shall bar the right of a landlord to enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement which has been made by, or at the expense of, the landlord, or for which during the currency of the tenancy compensation has been accepted from the landlord by the owner of the improvement or, on the expiration of the tenancy, compensation has been paid in accordance with the determination of a Court under this Act.

(*2*) Where an enhancement is claimed on the ground of any such improvement, the Court, in determining the claim, shall have regard to—

(*a*) the increase in the productive powers of the land caused, or likely to be caused, by the improvement;

(*b*) the cost of the improvement; and

(*c*) the cost of the cultivation required for the utilising of the improvement.

Power for Local Government to vary the limit of enhancement of rent.

51. Notwithstanding anything in the foregoing sections, the Chief Commissioner may, by notification in the local official Gazette, vary from time to time, within periods of not less than seven years, the limits of the enhancement to which tenants to whom section 36 or section 37 applies are liable in any local area specified in the notification.

CHAPTER V.

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

Ejectment of tenants holding on special terms.

52. (*1*) A tenant having a right of occupancy in any land, or holding any land under as pecial agreement or decree of Court, shall not be ejected from that land otherwise than in execution of a decree for ejectment:

Provided that the decree for ejectment shall not be made, unless, at the date of that decree, a decree against the tenant for an arrear of rent in respect of the land has remained unsatisfied for fifteen days or upwards.

(*2*) A decree for the ejectment of a tenant holding under a special agreement or decree of Court may be made on such grounds as would justify ejectment under the agreement or decree.

Other Tenants.

Ejectment of other tenants.

53. A tenant not having a right of occupancy, and not holding under a special agreement or decree of Court, may be ejected by notice, application or suit under the following sections of this Chapter.

Ejectment by notice.

54. If a landlord desires to eject any such tenant on the expiration of his tenancy, he may cause a notice of ejectment to be served on the tenant under the next following section.

Contents, service and cost of notice.

55. (*1*) The notice shall be written in Hindí and in Urdú; it shall be signed by the landlord or by an agent authorized by him in that behalf; it shall specify the land from which the tenant is to be ejected; it shall, if a court-fee is payable in respect thereof under this section, contain a certificate by the patwárí as to the annual rent payable for the holding to which the notice relates; and it shall inform the tenant that he must either (*a*), if he means to dispute the ejectment, institute a suit for that purpose within thirty

thirty days from the date of the service of the notice, or (*b*) vacate the land on or before the fifteenth day of May next following.

(*2*) On the application of the landlord to the tahsíldár or other prescribed officer, the notice shall, if the proper court-fee (where a court-fee is payable under this section) has been paid in respect thereof, be served on the tenant by the officer on or before the fifteenth day of November at the expense of the landlord.

(*3*) If the tenant on whom the notice is to be served is a tenant to whom section 36 or section 37 applies, there shall, except as provided by this sub-section and sub-section (*4*) and by section 69, be payable in respect of the notice a court-fee equal in value to half the annual rent payable for the holding of the tenant, or, in the case of a tenant paying rent in kind, a court-fee equal to half the value of the produce annually paid as rent on the average of the three years immediately preceding:

Provided that the court-fee shall not in any case exceed twenty-five rupees.

(*4*) A court-fee shall not be payable under sub-section (*3*) in respect of a notice on a person to whom section 48 applies.

(*5*) Stamps representing the court-fee shall be affixed on the notice before the notice and the application for the service thereof are presented to the tahsíldár or other prescribed officer.

(*6*) The court-fee paid by a landlord under this section shall not in any circumstances be adjudged to be payable as costs or otherwise by the tenant.

Grounds on which tenant may contest liability to ejectment.

56. (*1*) A tenant on whom a notice has been served under the last foregoing section may institute a suit to contest his liability to be ejected from the land specified therein on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land;

(*b*) that

(*b*) that he holds under a special agreement or decree of Court or unexpired lease under the terms of which he is not liable to be ejected from the land;

(*c*) if he is a tenant to whom section 55, sub-section (*3*), applies, that the notice was insufficiently stamped;

(*d*) if he is a tenant to whom section 36 or section 37 applies, that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37, as the case may be, equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) if he is a tenant to whom section 53 applies, that notice of ejectment has not been served upon him in the manner required by this Act.

(*2*) A thíkadár shall not be entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

Compensation for improvements, if any, to be claimed in suit contesting liability to ejectment.

57. If the tenant has any claim for compensation for improvements on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.

Determination of the claim.

58. If the Court dismisses the suit in whole or in part, it shall determine the amount of the compensation, if any, due for improvements, and shall declare ejectment from the whole or part of the land, as the case may be, to be conditional on payment of that amount into Court.

Tenancy to cease if

59. If the tenant on whom notice of ejectment has

has been served fails, within thirty days from the date of the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall cease on the fifteenth day of May next following, unless, after the service, the landlord has authorized him in writing to continue to occupy the land. notice is not contested.

60. (*1*) If the landlord requires assistance to eject a tenant on whom he alleges a notice to have been served under section 55, he may apply for that assistance to the Court which would have had jurisdiction with respect to a suit by the tenant to contest his liability to be ejected under the notice, and that Court shall order the ejectment of the tenant if it is satisfied— When assistance to eject may be given by Court.

(*a*) that a notice of ejectment was duly served on the tenant;

(*b*) that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant;

(*c*) that the tenant has not been authorized by the landlord in writing to continue to occupy the land.

(*2*) Nothing done by the Court under sub-section (*1*) shall affect the right of the tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation therefor.

61. (*1*) If a landlord desires to eject a tenant to whom section 53 applies and against whom a decree for an arrear of rent has been passed and remains unsatisfied, he may, after the first day of April of the year in which that arrear accrued, apply to the Deputy Commissioner to eject the tenant. Ejectment by application.

(*2*) The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree, and informing him that if he does not pay that amount into

into Court within fifteen days from the receipt of the notice he will be ejected from his holding.

(*3*) If the amount is not so paid, the Deputy Commissioner shall, unless good cause is shown to the contrary, eject the tenant.

Ejectment by suit.

62. (*1*) A tenant to whom section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely:—

(*a*) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy;

(*b*) that at the time of the institution of the suit the entire holding has been sub-let;

(*c*) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding;

(*d*) where the tenant holds, under an unexpired lease, land to which section 4, sub-sections (*3*) and (*4*), applies, then on any ground which would justify ejectment under the lease.

(*2*) The tenant shall continue liable for the rent of the land until the decree is executed.

General.

Time of ejectment of tenant.

63. Except in pursuance of an order under section 21, sub-section (*3*), a tenant shall not in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupation, except between the first day of April and the thirtieth day of June in any year after the passing of this Act.

Time of ejectment of thíkadár.

64. A thíkadár liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Preferment by tenants of claims for

65. In any suit for ejectment the defendant may file any claim for compensation for improvements which

which he may have against the plaintiff, and, if the Court finds the grounds on which the suit is brought to be valid, it shall determine the amount of compensation, if any, due from the plaintiff to the defendant, and shall pass a decree of ejectment conditional on the payment into Court of that amount.

compensation for improvements in suits for ejectment.

66. A tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to the tenant and being on the land at the time of his ejectment:

Compensation to ejected tenant for growing crops.

Provided that, if the land has been sown or planted by the tenant after service on him of a notice under section 55, he shall not be so entitled, unless, after that service, the landlord has authorized him in writing to continue to occupy the land.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sír Lands.

67. (*1*) The rights conferred upon tenants by sections 24, 36, 37, 38, 39, 45, 46, 47 and 48 shall not accrue to cultivators of any of the following lands, namely:—

Sír lands.

(*a*) land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sír in the distribution of proprietary or under-proprietary profits and charges;

(*b*) land which for the seven years immediately preceding the passing of this Act has been continuously cultivated by the proprietor or under-proprietor himself or by his servants or by hired labour.

(*2*) Land

(*2*) Land which was recorded as sír at settlement and has been continuously so recorded since shall, until the contrary is proved, be presumed to be land of the class mentioned in clause (*a*) of sub-section (*1*).

Thíkadárs, Mortgagees and Sub-tenants.

Thíkadárs, mortgagees and sub-tenants.

68. (*1*) A person holding land as a thíkadár, mortgagee or sub-tenant shall not, while so holding, acquire any of the rights enumerated in the last foregoing section in any of the land comprised in his thíka, mortgage or sub-tenancy.

(*2*) A person having those rights in land does not lose them by subsequently taking a thíka or mortgage in which his holding is comprised.

Long Leases.

Incidents of leases for eight years or upwards.

69. (*1*) When a holding has been let by registered document for a term of eight years or upwards at a rent determined thereby for the whole of the term in accordance with the provisions of this Act to a tenant to whom section 36 or section 37 applies, the landlord shall, on the expiration of the term, be entitled to enhance the rent of the holding in accordance with the provisions of Chapter IV, Part B, and not otherwise, and shall also be entitled to eject the tenant by notice under section 55 without payment of a court-fee under that section:

Provided that any change in the rent or alteration in the area of the holding by the landlord during the term shall be a bar to enhancement and ejectment for seven years from the date of that change or alteration.

(*2*) In addition to the grounds mentioned in clauses (*a*), (*b*) and (*c*) of section 62, sub-section (*1*), a tenant to whom this section applies shall be liable to ejectment by suit during the currency of his tenancy on any ground which would justify ejectment under the registered document under which he holds.

Miscellaneous.

(*Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 70-71.—Chapter VII.—Distress for Arrears of Rent.—Sections 72-73.*)

Miscellaneous.

Evidence respecting change of rent or alteration of area of holding.

70. Where a tenant has received a patta, a statement that since the date of the patta his rent has been changed, or area of his holding altered, by the landlord, shall not be admissible in evidence unless the change or alteration is recorded in an entry on the patta signed by or on behalf of the landlord, and in an entry on the counterpart signed by or on behalf of the tenant, or in a new patta and counterpart.

Construction of certain expressions.

71. The expression "special agreement" or "decree of Court", where it is used in this Act to signify the tenure on which land is held by a tenant, is to be construed as referring to an agreement or decree made or passed before the passing of this Act.

CHAPTER VII.

Distress for Arrears of Rent.

Recovery of arrears of rent by distress.

72. When an arrear of rent is due from any tenant, the landlord may, subject to the provisions of this Chapter, distrain the produce of the land in respect of which the arrear is due:

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which the rent is payable shall not be liable to distress so long as the security is in force.

Distress not permissible in certain cases.

73. Distress shall not be made for the recovery of—

(*a*) any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay that excess or unless he has been declared by decree to be liable therefor, or

(*b*) any

(*b*) any arrear which has been due for a longer period than one year.

Power of distress by whom exerciseable.

74. The power of distress vested by section 72 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsíldárs of estates held under direct management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorized by power-of-attorney to distrain:

Provided that, if any such agent, purporting to act in the exercise of that power, commits an act which, under the provisions of this Chapter, is illegal, the person employing him shall be liable, as well as the agent, to be sued for compensation for any injury caused by the act.

Distress by servants.

75. Any person empowered to distrain property under section 72 or section 74 may employ a servant or other person to make the distress, but in every such case he shall give to the servant or person a written authority in that behalf, and the distress shall be made in the name and on the responsibility of the person giving the authority.

Crops liable to distress.

76. (*1*) Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

(*2*) But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

77. (*1*) Before

Demand of arrear before or at time of distress.

77. (*1*) Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

(*2*) The demand and account shall, if practicable, be served personally on the defaulter, but, if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

Value of distress and service of list of distrained property on owner.

78. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and, when he has made the distress, he shall prepare a list or description of the property distrained and deliver a copy thereof to the owner, or, if the owner is absent, affix it at his usual place of residence.

Reaping and storing standing crops distrained.

79. (*1*) Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

(*2*) If the tenant neglects to do so, the distrainer may cause the crops or products to be reaped or gathered, and in that case shall store them either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

(*3*) In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

(*4*) If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

80. If

Application by distrainer in case of resistance.

80. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it thinks necessary, depute an officer to assist the distrainer in making the distress.

Withdrawal of distress on tender of arrear and costs.

81. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the payment and give a receipt therefor and forthwith withdraw the distress.

Application for sale.

82. Within five days from the time of storing any distrained crops or products, or, if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for the sale thereof to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Form of application.

83. (*1*) The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

(*2*) Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as provided in the next following section.

Procedure on receipt of application.

84. (*1*) Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C to this Act, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

(*2*) The officer shall at the same time send to the Court, for the purpose of being put up at the court-house,

house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation, and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

(*3*) The proclamation shall contain a description of the property, and shall specify the demand for which it is to be sold, and the place where the sale is to be held.

Suspension of sale on institution of suit.

85. (*1*) If a suit is instituted in pursuance of the notice mentioned in the last foregoing section, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

(*2*) On the certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

Suit to contest distrainer's demand.

86. (*1*) Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 84, sub-section (*1*).

(*2*) When any such suit is instituted, the Court shall proceed in the manner directed in section 85.

(*3*) If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

Withdrawal of distress on execution of bond.

87. (*1*) The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount

amount not less than double the value of the property distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

(*2*) When a bond has been executed under sub-section (*1*), the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the execution of the bond.

(*3*) Upon the certificate being presented to the distrainer by the owner of the property, or upon the notice being served on the distrainer by order of the Court, as the case may be, the property shall be released from distress.

Sale.

88. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless that demand with such costs of the distress as are allowed by him, is discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Place and manner of sale.

89. (*1*) The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the proper officer thinks that it is likely to sell there to better advantage.

(*2*) The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable, and if the demand, with the costs of distress and sale, is satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale.

90. If, on the property being put up for sale, a price which the officer holding the sale thinks fair is not offered, and if the owner of the property or his recognized

recognized agent applies to have the sale postponed until the next day or (if a market is held at the place of sale) until the next market-day, the sale shall be postponed until that day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

91. (*1*) The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit, and in default of payment the property shall be put up again and re-sold.

(*2*) When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

92. (*1*) The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

(*2*) He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 84 to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

(*3*) The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

93. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, those officers, are forbidden to purchase, either directly or indirectly, property sold by those officers.

Illegal acts of distrainer to be reported.

94. (*1*) The officer mentioned in section 82 shall bring to the notice of the Court any illegal act which may come to his knowledge as having been committed by any person in making a distress under this Act.

(*2*) If in any case, on proceeding to hold a sale under

under this Act, that officer finds that the owner has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 84, or make such other order as it thinks proper.

Recovery of expenses where sale does not take place.

95. (*1*) When that officer has gone to any place for the purpose of holding a sale, and a sale does not take place either for the reason stated in section 94 or because the distrainer's demand has been previously satisfied, a charge of one anna for every rupee of the value of the distrained property, as estimated by the officer, shall be leviable by him on account of the expenses of the intended sale, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of its having been satisfied has been given by him to the officer.

(*2*) If the distrainer's demand is not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion of the property as may be necessary.

(*3*) In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property.

(*4*) The charge leviable under this section shall not exceed ten rupees in any case.

Second proclamation of sale when arrears are adjudged to be due.

96. (*1*) When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion thereof is adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

(*2*) On the application of the distrainer (which shall be made within five days from the receipt of the order by the officer), the officer shall publish a second proclamation

proclamation in the manner prescribed in section 84, fixing another day for the sale of the distrained property, not being less than five or more than ten days from the date of the proclamation, and, unless the amount adjudged to be due with costs of distress is paid before that day, shall proceed to sell the property in the manner hereinbefore provided.

Distrainer to prove the arrear in suit to contest his demand.

97. (*1*) In all suits instituted to contest a distrainer's demand, the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount of the arrear.

(*2*) If the demand or any part thereof is found to be due, the Court shall make in favour of the distrainer a decree for the amount so found.

(*3*) That amount may be recovered, if the distrained property has not been released on security, by sale of the distrained property as provided in section 96, and, if any balance remains due after the sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property has been released on security, by execution of the decree against the person and property of the defaulter, and if his surety has been made a party to the suit, against the person and property of the surety.

Compensation for vexatious distress.

98. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Suit by third party claiming property distrained.

99. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and that other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement

ponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Rules applicable to suit by third party.

100. (*1*) When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

(*2*) If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

(*3*) If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

101. No claim to any produce liable to distress under this Act and found at the time of the distress in the possession of a defaulting tenant, whether the claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against the prior claim of the landlord.

Stranger claiming to be landlord and to have right of distress to be made a party.

102. When property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for that arrear is claimed by or on behalf of any person other than the distrainer, on the ground of that other person being actually and in good faith in the receipt and enjoyment of the rent of the land, that other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of the inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish that title in a Court of competent jurisdiction,

jurisdiction, by suit instituted within one year from the date of the decision.

Suit for illegal distress.

103. Any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by section 84 or section 99, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress and sale.

Suit for illegal act of distrainer.

104. In any of the following cases, namely :—

(*a*) if any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells, otherwise than in accordance with the provisions of this Act, any property for the recovery of an arrear of rent alleged to be due, or

(*b*) if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof, or

(*c*) if the distress is not immediately withdrawn when any provision of this Act requires its withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

Suit for distress or sale falsely purporting to be under the Act.

105. (*1*) If any person not empowered by this Act to distrain or sell, or not duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of the property may institute a suit to recover compensation from the person so distraining or selling for any injury

injury which the plaintiff has sustained from the distress or sale.

(*2*) The institution of a suit under sub-section (*1*) shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

Procedure in case of resistance to distress.

106. (*1*) If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of the resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

(*2*) If the case cannot be at once heard and determined, the Court may, if it thinks fit, require the person arrested to give security for his appearance whenever he may be required to appear, and, in default of the security being given, may commit him to the civil jail until the case is tried.

Punishment of offender.

107. If the resistance to the distress or the removal of the distrained property is proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made :

Provided that the offender shall not be imprisoned under this section for a longer term than six months.

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

Suits cognizable under the Act.

108. Courts other than Courts of Revenue shall not take cognizance of the following descriptions of suits,

suits, and those suits shall be heard and determined in Courts of Revenue in the manner provided in this Act, and not otherwise:—

A.—Suits by a Landlord—

(*1*) for the delivery by a tenant of the counterpart of a patta;

(*2*) for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent;

(*3*) for the enhancement of the rent of a tenant;

(*4*) for the ejectment of a tenant;

(*5*) against patwárís or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of those patwárís or agents for money received or accounts kept by the patwárís or agents in the course of their employment as aforesaid, or for papers in their possession, or for the rendering and settlement of accounts;

B.—Suits by an Under-proprietor or a Tenant—

(*6*) for establishing a right of occupancy;

(*7*) for the delivery by a landlord of a patta;

(*8*) for contesting a notice of enhancement or ejectment;

(*9*) for compensation—

(*a*) on account of illegal enforcement of payment of rent, or of any sum in excess of rent due, or

(*b*) on account of the withholding of a receipt for a payment of rent, or

(*c*) on account of illegal ejectment, or

(*d*) on account of loss caused by the making of an improvement under section 29, subsection (*3*), or

(*e*) on

(*e*) on account of the value of standing crops under section 66;

(*10*) for the recovery of the occupancy of any land which has been treated by a landlord as abandoned or from which an under-proprietor or tenant has been illegally ejected by the landlord;

(*11*) for contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of that power, or for compensation for illegal distraint;

(*12*) for abatement of rent in accordance with the provisions of section 18 or section 29, sub-section (*4*);

(*13*) for the recovery of compensation for improvements in accordance with the provisions of section 22;

C.—Suits regarding the Division or Appraisement of Produce—

(*14*) to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32;

D.—Suits by and against Lambardárs, Co-sharers and Muáfidárs—

(*15*) by a sharer against a lambardár or co-sharer for a share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of those profits;

(*16*) by a lambardár, or by a pattídár who is entitled to collect the rents of the pattí, for arrears of revenue or rent payable through him by the co-sharers whom he represents, or by a lambardár for village-expenses and other dues for which the co-sharers may be responsible

responsible to him or against a joint lambardár for compensation for revenue or rent paid by the lambardár on account of the joint lambardár;

(*17*) by co-sharers against lambardárs, or by proprietors or lessees against muáfidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the withholding of a receipt for a payment of revenue or rent;

(*18*) by muáfidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of the Act.

109. For the purposes of this Act, there shall be five grades of Courts of Revenue, namely:—

(*1*) the Assistant Collector of the second class;

(*2*) the Assistant Collector of the first class;

(*3*) the Collector;

(*4*) the Commissioner;

(*5*) ~~the Judicial Commissioner~~.

Power to invest officers with powers of Assistant Collector.

110. (*1*) The Chief Commissioner may from time to time confer upon any officer the powers of an Assistant Collector of the first or of the second class under this Act, and may at any time withdraw those powers.

(*2*) In conferring powers under this section the Chief Commissioner may empower persons specially by name or classes of officials generally by their official titles.

Deputy Commissioner to have Collector's powers.

111. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Investment of Settlement-officers with powers of Collector or Assistant Collector.

112. The Chief Commissioner may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector or Assistant Collector under this Act.

113. An

Jurisdiction of Assistant Collector of the 2nd class.

113. An Assistant Collector of the second class may try and determine suits of the descriptions mentioned in clauses (*1*), (*2*), (*7*), (*12*), (*15*), (*16*), (*17*) and (*18*) of section 108, of which the value does not exceed one hundred rupees.

Jurisdiction of Assistant Collector of the 1st class.

114. An Assistant Collector of the first class may try and determine suits of every description of which the value does not exceed five thousand rupees.

Jurisdiction of Collector.

115. (*1*) The Collector may try and determine suits of every description without limit as regards the value, and hear appeals from decrees of Assistant Collectors of the second class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, from orders of Assistant Collectors of the first and of the second class.

(*2*) Whenever the state of the public business so requires, the Chief Commissioner may invest any Assistant Collector of the first class with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from decisions of that Assistant Collector, and with the powers of a Deputy Commissioner under sections 24, 25 and 61, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

116. The Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Collectors and of Assistant Collectors of the first class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, from original orders of Collectors.

Jurisdiction of Judicial Commissioner.

117. The Judicial Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Commissioners, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, from original orders of Commissioners, and, subject also to the provisions of that Code as so applied, appeals from appellate

appellate decrees and orders of Collectors and of Commissioners.

Appeals.

Limitation for appeals.

118. (*1*) Save as provided by sub-section (*2*) of this section, an appeal shall not lie—

(*a*) to the Collector—after the expiration of thirty days from the date of the decree or order complained of;

(*b*) to the Commissioner—after the expiration of sixty days from that date; or

(*c*) to the Judicial Commissioner—after the expiration of ninety days from that date.

(*2*) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

Restrictions on appeals.

119. The decree or order of a Commissioner or of a Collector in a suit of value not exceeding one hundred rupees and of a description mentioned in clause (*2*), (*5*), (*9*), (*11*), (*14*), (*15*), (*16*), (*17*) or (*18*) of section 108, or in an appeal from a decree or order in any such suit, shall be final, unless a question of right to enhance or otherwise vary the rent of a tenant, or a question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the decree or order of the Commissioner or of the Collector, in which case the decree or order last-mentioned shall be open to appeal in the manner provided in this Act.

Appeal from orders of Deputy Commissioner acting as such.

120. An order of a Deputy Commissioner sanctioning a remission of rent under section 19, or granting or refusing an application under section 24, or determining the amount of the outlay on an improvement under section 25, or directing or refusing to direct the ejectment of a tenant under section 61, shall be subject to appeal to the Commissioner, whose order on the appeal shall be final.

Distribution

Distribution of Business.

Power of Deputy Commissioner to distribute business.

121. Notwithstanding anything in the Code of Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by him and the Courts subordinate to him shall be distributed among those Courts in such manner as he thinks fit: XIV of 1882

Provided that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction.

Transfer of Suits and other Proceedings.

Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.

122. The ~~Commissioner or~~ Deputy Commissioner may withdraw any suit or other proceeding instituted in any Court subordinate to him, and try it himself, or refer it for trial to any other such Court competent to try it.

Transfer of suits and other proceedings by Judicial Commissioner.

123. The ~~Judicial~~ Commissioner may order that any suit or other proceeding pending in any Court subordinate to ~~him~~ shall be transferred to any other such Court ~~competent to dispose of it~~.

Miscellaneous.

General subordination of Courts.

124. In the performance of their duties under this Act, Collectors shall be subordinate to, and subject to the direction and control of, Commissioners and ~~the Chief Commissioner~~, and Assistant Collectors shall be subordinate to, and subject to the direction and control of, the Deputy Commissioners to whose districts they are respectively appointed:

Provided that nothing in this section shall empower the ~~Chief Commissioner~~ or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

125. Suits

Suits by or against managing agents or tahsíldárs of estates held under direct management.

125. Suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of estates held under direct management, whether those estates are the property of Government or not.

Sharer to exercise certain powers only through manager or lambardár.

126. (*1*) A sharer in a joint estate or under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall not exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

(*2*) In pattídári estates or tenures those powers shall be exercised only through a lambardár, or through the pattídár who is entitled to collect the rents of the patti.

(*3*) Nothing in this section shall be construed to affect any local custom or special contract.

Rent payable for land occupied without consent of landlord.

127. Any person in possession of land occupied without consent of the landlord shall be liable for the rent of that land at the rate payable in the previous year, or, if rent was not payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of that land have any of the statutory privileges conferred by this Act.

Place of sitting of Courts.

128. A Court may sit at any place within the local limits of its jurisdiction, or, in the case of an Assistant Collector, at any place within the limits of the district to which he is appointed.

CHAPTER IX.

LIMITATION OF SUITS.

General limitation.

129. Subject to the provisions as to legal disability contained

contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall, except as otherwise provided in this Act, be instituted within one year from the date of the accrual of the cause of action.

Suits for delivery of pattas or counterparts.

130. A suit for the delivery of a patta or the counterpart of a patta may be instituted at any time during the tenancy.

Suits for recovery of holdings treated as abandoned.

131. A suit by a tenant for the recovery of a holding which has been treated by a landlord as abandoned under section 21 shall be instituted within three months from the date on which the landlord entered upon the holding.

Suits for arrears of revenue or rent or share of profits.

132. A suit for the recovery of an arrear of revenue or rent, or, where rent is payable in kind, for the money-equivalent of rent, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the last day of the month of Jeth of the Fasli year in which the arrear fell due.

Suits against agents for money, or delivery of accounts or papers.

133. A suit for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be instituted at any time during the continuance of the agency or within one year after its determination.

Suits regarding distress and division or appraisement of produce.

134. A suit regarding distress under section 103, 104 or 105, or to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32, shall be instituted within three months from the date of the accrual of the cause of action.

CHAPTER X.

PROCEDURE.

Application of the Code of Civil Procedure.

135. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent XIV of 1882.

inconsistent with the provisions of this Act, apply to all suits and other proceedings under this Act. cedure to proceedings under this Act.

136. Every notice under this Act shall, if practicable, be served on the person to whom it is addressed or on an agent authorized by him to accept service on his behalf; but if that person or an agent so authorized cannot be found, service may be made by posting the notice at the usual place of residence of the person to whom the notice is addressed, or, if that person does not reside in the district wherein the land is situate, at the village-chaupal or other conspicuous place in the village wherein the land is situate. Mode of service of notices.

137. In addition to the particulars required by section 50 of the Code of Civil Procedure to be specified in the plaint, the plaint shall contain the following particulars, namely:— Contents of plaints.

XIV of 1882.

(*a*) the name of the village or estate, and of the pargana in which the land to which the suit relates is situate;

(*b*) if the suit is for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice of ejectment, or for the recovery of the occupancy or possession of any land, then the extent, situation and designation of the land to which the suit relates and, where fields have been numbered in a Government survey, the number (if it is possible to give it) of each field;

(*c*) if the suit is for recovery of an arrear of rent or revenue, then the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

(*d*) if

(*d*) if the suit is for the delivery of a patta or the counterpart of a patta, then all the particulars mentioned in section 8.

Third person claiming rent to be made a party.

138. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed the rent up to the time of the commencement of the suit, that third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of the inquiry:

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of the land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal in certain suits.

139. In suits under clauses (1), (2), (7), (10) and (11) of section 108, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

140. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Interest on arrears of rent.

141. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on the arrear at the rate of one per cent. per mensem.

Payment of money into Court by defendant.

142. (*1*) In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of the making of the deposit.

(*2*) Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

(*3*) From the date of the making of a deposit under

under this section, interest shall not be allowed to the plaintiff on the sum deposited, whether that sum be in full of the plaintiff's claim or fall short thereof.

Proceeding for balance where defendant pays less than amount claimed.

143. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in the last foregoing section shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Making of local investigations by Court.

144. (*1*) A Court may, if it thinks fit, itself make a local investigation instead of issuing a commission under section 392 of the Code of Civil Procedure. XIV of 1882.

(*2*) When the Court itself makes a local investigation, the provisions of section 393 of that Code with respect to the recording of evidence shall apply to the Court, and any observations which the Court sees fit to record on its proceedings shall be received as evidence in the suit.

Decrees.

Time for the making of applications for execution.

145. A process of execution shall not be issued on a decree under this Act when the application for the issue of the process is made after the lapse of three years from the date of the decree, unless the decree is for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law for the time being in force as to the period allowed for the execution of decrees of Civil Courts.

Immediate execution of decree.

146. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of the Code of Civil Procedure. XIV of 1882.

Decree for enhancement to state date of commencement of enhancement.

147. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which the enhancement shall take effect.

148. (*1*) If

Enforcement of decree for delivery of papers or accounts.

148. (*1*) If the decree is for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprisonment and attachment.

(*2*) The imprisonment and attachment may be continued until the party complies with the terms of the decree:

Provided that he shall not be imprisoned under this section for a longer period than six months.

Decrees for patta or counterpart to specify certain particulars.

149. A decree for the delivery of a patta or of the counterpart of a patta shall specify all the particulars mentioned in section 8, and such other particulars in accordance with the provisions of this Act as the Court deems fit.

Grant of patta or counterpart in case of defendant's refusal.

150. If the decree is for the delivery of a patta or the counterpart of a patta, and the party ordered to deliver the patta or counterpart neglects or refuses to do so, the Court may grant a patta or counterpart in conformity with the terms of the decree, and that patta or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Execution to be first made against moveable property.

151. If the decree is for money, a process in execution shall not issue against the immoveable property of the judgment-debtor, other than for attachment of that property, unless satisfaction of the decree cannot be obtained against his moveable property.

Sale of under-proprietary right in execution of decree for arrears of rent.

152. If the decree is for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in that right may, subject to the provisions of this Act, be sold in execution of the decree.

Registration of incumbrance created by under-proprietor.

153. A beneficial lease or other incumbrance created by an under-proprietor on his tenure after the twenty-second day of July, 1868, shall not be valid in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless the incumbrance

cumbrance has been registered under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of those rights and interests.

Proprietor's lien for rent payable by under-proprietor.

154. (*1*) When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or the part of that rent, as the case may be, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

(*2*) Where after the passing of this Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any agreement in writing with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer.

Right of pre-emption at execution-sale.

155. (*1*) When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

(*2*) A like claim may be made, if the land is a proprietary tenure, by an under-proprietor, and, if the land is an under-proprietary tenure, by a proprietor.

(*3*) Any claim made under this section shall be allowed:

Provided that, if a claim to the same land or lot is made by a proprietor or under-proprietor as well as by a co-sharer, the claim of the co-sharer shall prevail:

Provided

Provided also that a claim shall not be allowed unless the claimant fulfils all the conditions of the sale binding on a purchaser.

CHAPTER XI.

GENERAL.

Registration of statutory pattas unnecessary.

156. Notwithstanding anything in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom section 36 or section 37 of this Act applies shall be deemed good and valid without their being registered. III of 1877.

Exclusion of specified areas from certain provisions of the Act.

157. The provisions of sections 4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 shall not extend to the areas specified in Schedule D to this Act, or to any other area which the Chief Commissioner may from time to time, by notification in the local official Gazette, add to that schedule, but the Chief Commissioner may from time to time, by like notification, extend those provisions, or any of them, to any of those areas.

Power to make rules.

158. (*1*) The Chief Commissioner may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.

(*2*) The Chief Commissioner shall, before making rules under this section, publish a draft of the proposed rules in such manner as, in his opinion, is sufficient.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The Chief Commissioner shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) Every rule made under this section shall be published in the local official Gazette in English and in

in such other language or languages as the ~~Chief Commissioner~~ directs, and that publication shall be conclusive proof that the rule has been made as required by this section.

SCHEDULE A.*

(*See section 15.*)

I, *A B* of , &c., solemnly declare that I did personally [*or* by my agent *C D*] on the day of tender payment to *E F* at (the place where the (revenue *or*) rent of the lands at , [held *or*] cultivated by me under [*or* from *or* jointly with] thesaid *E F* is usually payable) of the sum of rupees as and for the whole amount due from me in respect of the (revenue *or*) rent of the said lands from the month of to the month of , both inclusive. I further declare that the said *E F* refused to accept the said sum so tendered [*or* to give me a receipt in full forthwith for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe to the said *E F* on account of the (revenue *or*) rent of the said lands from the month of to the month of , both inclusive, and that I owe to the said *E F* no further sum on account of the (revenue *or*) rent of the said lands.

I, , the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

SCHEDULE B.†

(*See section 15.*)

Court of the of

Dated the day of 18 .

To *E F* of , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to

---

* If this declaration is made by an agent it must be altered accordingly.

† This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

to you or your recognized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A B* in respect of the (revenue *or*) rent of the said lands, you must institute a suit in Court for the establishment of that claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(*See section 84.*)

Office of officer appointed to sell distrained property.

A B.—Distrainer.

Whereas the said *A B* has applied to have the distrained property specified below sold for the recovery of
alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said *A B*, or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

SCHEDULE D.

(*See section 157.*)

(*1*) Parganas Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra and Firozabad in the district of Kheri;

(*2*) alluvial mahâls for the time being registered as such under the rules made under clause (*b*) of section 220 of the Oudh Land-revenue Act, 1876; and XVII of 1876.

(*3*) lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh.

Government of India Central Printing Office.—No. 77 L. D.—3-11-86.—3,700.

ACT No. XXIII of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd October 1886.)

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879.
XXIII of 1881.
XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar," namely:—

"but may, from time to time, be extended wholly or in part by the Local Government, with the previous sanction of the Governor General in Council, to any other district or districts in the Presidency of Bombay."

4. To

[*Price one anna and nine pies.*]

Addition to section 2.

4. To section 2 the following shall be added, namely :—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"*6th.*—'Standing crops' shall be deemed to include garden-produce attached to trees or to the soil."

Amendment of section 3.

5. In section 3, clause (*y*), the word "and" shall be substituted for the word "or" where the latter word occurs between the word "foreclosure" and the word "sale".

Amendment of section 12.

6. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire," the following shall be substituted, namely :—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

7. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold," the following shall be substituted, namely :—

"Immoveable property belonging to an agriculturist, ~~other than his standing crops,~~ shall not be attached or sold".

Addition to section 40.

8. To section 40 the following shall be added, namely :—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from

from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code."

XLV of 1860.

Addition to proviso to section 56.

9. To the proviso to section 56 the following shall be added, namely:—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act."

III of 1877.

Amendment of, and addition to, section 58.

10. (*1*) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one," are repealed.

(*2*) In the third paragraph of the same section, the words "and each such copy" are repealed.

(*3*) After the same section the following shall be added, namely:—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

11. After Chapter VIII and section 63 the following shall be inserted, namely:—

"CHAPTER VIIIA.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

"**63A.** (*1*) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested,

III of 1877.

and

and otherwise act in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877. III of 1 77.

"(*2*) An instrument to which sub-section (*1*) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section."

Amendment of section 72.

12. (*1*) In section 72, for the words "under this Act," where they first occur, the words "of the description mentioned in section 3, clause (*w*)," shall be substituted.

(*2*) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(*3*) For the proviso to the same section the following shall be substituted, namely:—

"Provided that nothing in this section shall—

"(*i*) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

"(*ii*) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

Limitation of certain suits.

13. Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section. XVII of 1879. XXIII of 1881.

Government of India Central Printing Office.—No. 84 L. D.—16-11-86.—3,700.

ACT No. XXIV OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 22nd October, 1886.*)

An Act to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows:— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

[*Price one anna.*]

Government of India Central Printing Office.—No. 85 L. D.—16-11-86.—3,700.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1886.

[NOTE I.—The abbreviations L., L.B., U.B., O., D., N.-W.P., P., C.P., indicate that the entries against which they are placed refer only to Lahore, Lower Burma, Upper Burma, Oudh, the Dekkhan, the North Western Provinces, the Panjáb or the Central Provinces, as the case may be.]

[NOTE II.—Entries marked thus * indicate that they refer to Acts which have been brought into force only in the Town of Mandalay—see the second part of the Second Schedule to Act XX of 1886.]

[NOTE III.—Entries marked thus † indicate that they refer to Acts which have been declared in force in Upper Burma generally—see the first part of the Second Schedule to Act XX of 1886.]

	ACT.	SECTION.
ABETMENT (L.) of offence against Tramways Act, how punishable	I	16 (*d*)
ACCUSED PERSONS (L. B.) may demand that any witness who has given evidence before conferment of powers of Court of Session may be re-heard	XVI	3 (*4*)
ACTS OF LOCAL COUNCILS. See *Bengal Acts; Bombay Acts; Madras Acts.*		
†ACT V OF 1843 (SLAVERY) declared in force in Upper Burma generally	XX	6
†ACT XVIII OF 1850 (PROTECTION OF JUDICIAL OFFICERS) declared in force in Upper Burma generally	XX	6
†ACT XIX OF 1850 (APPRENTICES) declared in force in Upper Burma generally	XX	6
†ACT XXXIV OF 1850 (STATE PRISONERS) declared in force in Upper Burma generally	XX	6
†ACT XXXVII OF 1850 (INQUIRIES INTO BEHAVIOUR OF PUBLIC SERVANTS) declared in force in Upper Burma generally as modified	XX	6, 7 (*1*)
†ACT VIII OF 1851 (TOLLS ON ROADS AND BRIDGES) declared in force in Upper Burma generally	XX	6
†ACT XXX OF 1852 (NATURALIZATION OF ALIENS) declared in force in Upper Burma generally	„	6
†ACT II OF 1853 (BURDENS ON LAND) declared in force in Upper Burma generally	„	6
ACT XXX OF 1854 (CUSTOMS-DUTIES) repealed	„	5
†ACT XII OF 1855 (EXECUTORS AND ADMINISTRATORS) declared in force in Upper Burma generally	„	6
†ACT XIII OF 1855 (COMPENSATION FOR DEATH CAUSED BY ACTIONABLE WRONG) declared in force in Upper Burma generally	„	6
†ACT XXIV OF 1855 (PENAL SERVITUDE) declared in force in Upper Burma generally	„	6
ACT XII OF 1856 (AMINS) section 2: amended	XIX	1
†ACT XI OF 1857 (STATE OFFENCES) declared in force in Upper Burma generally	XX	6
†ACT III OF 1858, SECTION 5 (STATE PRISONERS) declared in force in Upper Burma generally	„	6
†ACT XXXV OF 1858 (LUNATICS) declared in force in Upper Burma generally	„	6

[*Price seven annas and six pies.*]

	Act.	Section.
Act XXXVI of 1858 (Lunatic Asylums)—		
section 9: application of, to persons confined under sub-section (*1*) of the Prisoners Act (V) of 1871 as amended	X	25
†Act XXXVI of 1858 (Lunatic Asylums)—		
declared in force in Upper Burma generally . .	XX	6
Act XXXVI of 1858 (Lunatic Asylums)—		
new section 6A	XVIII	1
section 9: addition to, ...	"	2
new sections 17A and 17B	"	3
†Act IX of 1859 (except section 18, last paragraph) (Forfeited Property)—		
declared in force in Upper Burma generally . .	XX	6
†Act XV of 1859 (Inventions): declared in force in Upper Burma generally .	"	6
†Act IX of 1860 (Disputes between Workmen and Employers) declared in force in Upper Burma generally	"	6
†Act XXVII of 1860 (Collection of Debts on Successions) declared in force in Upper Burma generally .	"	6
Act XLV of 1860: (Penal Code) definition of "abetment" applied under Lahore Tramways Act . .	I	16
section 177: applied to false statements in declaration made under Income-tax Act . .	II	35
sections 193 and 228: certain proceedings under Income-tax Act deemed "judicial proceedings" within meaning of, . . .	"	37
section 166 may be applied to breach of rules made under Income-tax Act . . .	"	38(*2*)
sections 176 and 177 may be applied to non-compliance with certain provisions of Income-tax Act . . .	"	45
Act XLV of 1860: (Penal Code)—		
Registrars of Births and Deaths to be deemed public servants within meaning of, . .	VI	14
Act XLV of 1860 (Penal Code)—		
section 40, clause 2, amended	X	21 (*1*)
section 64, clause 2, amended	"	21 (*2*)
section 75, amended	"	22
section 216: addition to, ...	"	23
section 225A: new section substituted . . .	"	24 (*1*)
section 225B: new section inserted . . .	"	24 (*1*)
Act XLV of 1860 (L. B.) (Penal Code)—		
whipping may be administered under sentences for a scheduled offence under Lower Burma Gaols Delivery Act in lieu of, or in addition to, any other punishment to which convicted person is liable under,	XVI	6

	Act.	Section.
†Act XLV of 1860 (Penal Code)—declared in force in Upper Burma generally (also see amendment of Act VI of 1864)	XX	6
Act XLV of 1860 (Penal Code)—section 174, failure to attend direction of Conciliator punishable under,	XXIII	8
†Act V of 1861 (Police) declared in force in Upper Burma generally as modified	XX	6, 7 (*1*)
Act IV of 1863 (Treaty with King of Burma) repealed	XX	5
†Act III of 1864 (Foreigners) declared in force in Upper Burma generally	„	6
Act VI of 1864 (L.B.) (Whipping): modification of,	XVI	6
†Act VI of 1864 (except section (6), (Whipping), declared in force in Upper Burma generally as modified and amended	XX	6, 7 (*1*)
Act XII of 1864 (Treaty with King of Burma)—repealed	XX	5
†Act III of 1865 (Carriers) declared in force in Upper Burma generally	XX	6
†Act X of 1865 (Indian Succession): all races, sects or tribes to which it is applicable may register births and deaths	VI	11 (*1*) (*a*), (*b*)
declared in force in Upper Burma generally	XX	6
*Act XI of 1865 (Mufassal Small Cause Courts) declared in force in the Town of Mandalay	XX	6
Act XV of 1865 (Parsi Marriage and Divorce)—indexes of certified copies of registers to be made by Registrar General	VI	7
new section (8A) inserted	„	31
registers kept under, may be sent to Registrar General	„	32
Act XIV of 1866 (Post Office), Part III: applicable to service of notices under Income-tax Act	II	46
†Act XIV of 1866 (Post Office) declared in force in Upper Burma generally	XX	6
†Act III of 1867 (Public Gambling) declared in force in Upper Burma generally	XX	6
Act XIV of 1867: payment of income-tax cancels liability to pay pándharí-tax	II	48
†Act XXV of 1867 (Printing-presses and Newspapers)—declared in force in Upper Burma generally	XX	6
†Act XXXII of 1867 (Chief Commissioners' Powers)—declared in force in Upper Burma generally	XX	6
†Act I of 1868 (General Clauses) declared in force in Upper Burma generally	XX	6
Act XIX of 1868 (Oudh Rent) repealed	XXII	2 (1)
†Act IV of 1869 (Divorce) declared in force in Upper Burma generally	XX	6

	Act.	Section.
†Act V of 1869 (Indian Articles of War) declared in force in Upper Burma generally	XX	6
†Act XV of 1869 (Prisoners' Testimony) declared in force in Upper Burma generally	XX	6
†Act XX of 1869 (Volunteers): declared in force in Upper Burma generally	XX	6
†Act VII of 1870 (Court-fees): amount of fee payable in certain cases under, how to be computed	XIV	2
declared in force in Upper Burma generally	XX	6
Act X of 1870 (Land Acquisition): powers of Local Government under, for promoter to acquire land for purposes of tramway	XI	7 (*3*)
†Act XX of 1870 (Court-fees Act Amendment) declared in force in Upper Burma generally	XX	6
†Act XXIII of 1870 (Coinage) declared in force in Upper Burma generally	XX	6
†Act XXVI of 1870 (Prisons) declared in force in Upper Burma generally	XX	6
†Act XXVII of 1870 (Penal Code Amendment) declared in force in Upper Burma generally	XX	6
†Act I of 1871 (Cattle-trespass) declared in force in Upper Burma generally	XX	6
†Act V of 1871 (Prisoners)—		
sections 30, 31 and 32: new sections substituted	X	25
declared in force in Upper Burma generally	XX	6
†Act XXIII of 1871 (Pensions) declared in force in Upper Burma generally	XX	6
Act XXXII of 1871 (Oudh Civil Courts), section 40, repealed	XXII	2 (*2*)
†Act I of 1872 (Evidence) declared in force in Upper Burma generally	XX	6
Act III of 1872 (Marriage)—		
indexes of certified copies of registers to be made by Registrar General	VI	7
new section (13A) inserted	„	29
registers kept under, may be sent to Registrar General	„	32
Act IX of 1872 (Contract)—		
section 265: new section substituted	IV	1
section 45: a Government security is payable to survivor of two or more joint payees	XIII	5 (*1*)
*Act IX of 1872 (Contracts) declared in force in the Town of Mandalay	XX	6
†Act XIII of 1872 (Patterns and Designs) declared in force in Upper Burma generally	XX	6
†Act XV of 1872 (Indian Christian Marriage)—		
indexes of certified copies of registers to be made by Registrar General	VI	7
substitution of the words "Registrar General of Births, Deaths and Marriages" for "Secretary to the Local Government"	„	30 (*b*)

	Act.	Section.
†Act XV of 1872 (Indian Christian Marriage)—*continued.*		
registers kept under, may be sent to Registrar General	VI	32
section 3 : addition to,	,,	30 (*a*)
section 62 amended	,,	30 (*c*)
section 81 : addition to,	,,	30 (*d*)
declared in force in Upper Burma generally	XX	6
†Act XVIII of 1872 (Evidence Act Amendment) declared in force in Upper Burma generally as modified	XX	6,7 (*1*)
†Act XIX of 1872 (Penal Code Amendment) declared in force in Upper Burma generally	XX	6
Act XXIII of 1872 (Re-importation of goods cleared for Ava) repealed	XX	5
†Act II of 1873 (Burma Ferries) declared in force in Upper Burma generally	XX	6
†Act X of 1873 (Oaths) declared in force in Upper Burma generally	XX	6
†Act XIV of 1873 (Lunatic Soldiers) declared in force in Upper Burma generally	XX	6
Act XIX of 1873 (North-Western Provinces Land Revenue), section 11 : new section inserted	XV	1
†Act IV of 1874 (Foreign Recruiting) declared in force in Upper Burma generally	XX	6
†Act IX of 1874 (European Vagrancy) declared in force in Upper Burma generally	XX	6
†Act XIV of 1874 (Scheduled Districts)—		
(N.-W.P.) Part IV of First Schedule : the Town and Fort of Jhánsí and the ceded lands deemed to form part of district of Jhánsí mentioned in,	XVII	4
(U.B.) in force in any portion of Upper Burma transferred to Lower Burma	XX	2 (*3*)
powers of Governor General in Council with reference to,	,,	2 (*4*
certain enactments which are in force in such parts of Lower Burma as are not defined in, deemed to be in force in Upper Burma and Town of Mandalay as set forth in First and Second Parts of Schedule	,,	6 (*1*)
declared in force in Upper Burma generally	,,	6
†Act V of 1875 (Native Soldiers) declared in force in Upper Burma generally	,,	6
†Act IX of 1875 (Majority) declared in force in Upper Burma generally	,,	6
†Act XIII of 1875 (Probates) declared in force in Upper Burma generally	,,	6
Act II of 1876 : payment of income-tax cancels liability to pay capitation-tax or land-rate levied in British Burma	II	48
Act VI of 1876 (Chutia Nagpur Encumbered Estates)—		
as amended by Act V of 1884, applied to case of Rájá Bhikam Narayan Singh Bahadur, with modifications	IX	2
meaning of expressions "Commissioner," "Deputy Commissioner" and "holder"	,,	2 (*1*)
power of Commissioner to appoint a manager of Deo Estate	,,	2 (*2*)
section 4 : addition to, for purposes of Deo Estate Act	,,	2 (3)

	Act.	Section.
Act VI of 1876 (Chutia Nagpur Encumbered Estates) —*continued.*		
section 8: notwithstanding provisions of, amounts due to creditors of Deo Estate	IX	2 (4)
section 11: priority of claim of Mahárájá of Durbhunga on Deo Estate	„	2 (5)
section 12 (2): amended for purposes of Deo Estate Act	„	2 (6)
section 16: power of manager to apply for removal of mortgagee, cancelled	„	2 (7)
section 18: power of sale modified	„	2 (8)
section 23 amended for purposes of Deo Estate Act	„	2 (9)
†Act XI of 1876 (Presidency Banks) declared in force in Upper Burma generally	XX	6
Act XVIII of 1876 (Oudh Laws), sections 23 and 24, repealed	XXII	2 (2)
†Act XIX of 1876 (except section 12) (Dramatic Performances)—		
declared in force in Upper Burma generally as amended	XX	6, 7 (1)
section 10 not extended to the Shan States	„	7 (2)
*Act I of 1877 (Specific Relief)—		
declared in force in the Town of Mandalay	XX	6
(section 9) declared in force in Upper Burma generally	„	6
†Act II of 1877 (Probates) declared in force in Upper Burma generally	XX	6
Act III of 1877 (Indian Registration)—		
section 17: new clauses (*ff*), (*m*) and (*n*) inserted	VII	2, 3 (1) & 4
section 50 amended	„	5
section 58 amended	„	3 (2)
section 89 (2): addition to,	„	3 (3)
section 90: addition to,	„	6 (1)
section 91 amended	„	6 (2)
section 17: instruments required to be registered under,	XXIII	9,11
not to invalidate pattas granted under section 36 or 37 of Oudh Rent Act	XXII	156
†Act XI of 1877 (Military Lunatics) declared in force in Upper Burma generally	XX	6
Act XV of 1877 (L.B.) (Indian Limitation)—		
period of limitation of appeal from a conviction of a scheduled effect of offence shall be thirty days	XVI	7
(N.-W.P.) application for execution in Jhánsí District of decree or order passed in Civil or Revenue Court of Gwalior, being barred by,	XVII	6 (3)
extension of period of limitation for certain suits	„	7 (1)
suits referred to in articles 50 to 54, or articles 56 to 64, or articles 66 to 75 of Schedule II, formerly cognizable in Morar now cognizable at certain other places	„	10 (1)
†Act XV 1877 (Limitation) declared in force in Upper Burma generally	XX	6
Act II of 1878 (Northern India License Act) repealed	II	Sch. I

	Act.	Section.
†Act VI of 1878 (Treasure Trove) declared in force in Upper Burma generally . .	XX	6
†Act XI of 1878 (Arms): declared in force in Upper Burma generally	XX	6
Act XIV of 1878, section 1, repealed	XXII	2 (*2*)
Act XVII of 1878 (Northern India Ferries Act)—		
section 8: new section substituted	III	1 (*1*)
section 12, clause (*b*): new clause substituted . .	,,	1 (*2*)
section 13: new paragraph substituted . . .	,,	2 (*1*)
section 13, proviso 2: addition to . . .	,,	2 (*2*)
section 15, paragraph (3): amended . . .	,,	1 (*3*)
section 26: new section substituted . . .	,,	2 (*3*)
†Act I of 1879 (Stamps) declared in force in Upper Burma generally	XX	6
†Act III of 1879, sections 2, 4 and 8 (Destruction of Records) declared in force in Upper Burma generally .	XX	6
†Act IV of 1879, section 54 (Indian Railways).		
Lahore Tramways not exempted from provisions of, . .	I	25
section 54, amended, as to the meaning of the word "tramway"	XI	49 (*1*)
section 54: addition to, ...	,,	49 (*2*)
declared in force in Upper Burma generally . .	XX	6
†Act V of 1879 (Presidency Banks Act Amendment) declared in force in Upper Burma generally . .	XX	6
Act XVII of 1879 (Dekkhan Agriculturists' Relief) as amended by Acts XXIII of 1881 and XXII of 1882—		
section 1: addition to, ...	XXIII	3
section 2: additions to, ...	,,	4
section 3, clause (*y*): amendment of, . . .	,,	5
section 12: amendment of, ...	,,	7
section 22: amendment of, ...	,,	8
section 40: addition to, ...	,,	9
section 56: addition to proviso to, . . .	,,	10
section 58: amendment of and addition to, . .	,,	11
section 63: new chapter and section to follow .	,,	12
section 72: amendment of; limitation of suits under,	,,	13
Act XX of 1879 (Glanders and Farcy)—		
extended to Bombay	XXIV	1
section 1: amended	,,	1
†Act XXI of 1879 (Extradition) declared in force in Upper Burma generally . .	XX	6
†Act III of 1880 (Cantonments) declared in force in Upper Burma generally . .	XX	6
Act VI of 1880 (Indian License Acts Amendment) repealed from 1st April, 1886	II	2
Act III of 1881 (Indian Securities) repealed . . .	XIII	2 (*1*)
*Act V of 1881 (Probate and Administration)—		
declared in force in the Town of Mandalay . .	XX	6
section 153, declared in force in Upper Burma generally	,,	6
Act VIII of 1881 (Petroleum) repealed . . .	XII	2 (*1*)
Act XIV of 1881 (North-Western Provinces Rent)—		
section 95 amended	XIV	2
section 100: new sections inserted	,,	3

	Act.	Section.
Act XII of 1881 (North-Western Provinces Rent)—*continued.*		
section 169 amended	XIV	4
section 189: addition to,	,,	5
sections 193, 196 and 197 repealed in part	,,	6
section 194 amended	,,	7
section 195: new section substituted	,,	8
section 198 amended	,,	9
section 199 amended	,,	10
section 211: addition to	,,	11
*Act XXVI of 1881 (Negotiable Instruments)—		
all indorsements to be written on back only of Government security	XIII	6
declared in force in the Town of Mandalay	XX	6
†Act III of 1882, section 3 (Seditious Publications), declared in force in Upper Burma generally	XX	6
†Act VI of 1882 (Companies) declared in force in Upper Burma generally	XX	6
†Act VIII of 1882 (Penal Code Amendment) declared in force in Upper Burma generally	XX	6
†Act IX of 1882 (Prisoners Act Amendment) declared in force in Upper Burma generally	XX	6
Act X of 1882 (Criminal Procedure Code)—		
applies in regard to searches under Mirzápur Stone Mahál Act	V	16 (*2*)
section 31, last paragraph, amended	X	1
section 34: new section substituted	,,	2
sections 55 and 56: addition to,	,,	3
section 88: addition to,	,,	4
section 110 amended	,,	5
section 123: commitments under,	,,	25
section 162 amended	,,	6
section 173 amended	,,	7
section 266 amended	,,	8
section 269 amended	,,	9
sections 390 to 395: whipping to be administered subject to provisions of,	XVI	6
section 398: new section substituted	X	10
section 401 amended	,,	11
new sections (475A and 475B) inserted	,,	12
section 495 amended	,,	13 (*1*), (*2*)
section 510 amended	,,	14
section 514: addition to,	,,	4
new section (541A) inserted	,,	15
new section (559) added	,,	16
Schedule II, section 211, amended	,,	17
Schedule II, section 225A, amended	,,	18
Schedule II, new section (225B) inserted	,,	18
Schedule III, Part IV, amended	,,	19
Lower Burma Gaols Delivery Act, 1886, to be construed as one with,	,,	2 (*1*)
procedure prescribed by, to be followed by Magistrate exercising powers of a Court of Session without accused person being committed to him by a Magistrate	,,	3 (*3*)
Ch. XVIII: temporarily superseded	XVI	3 (*4*)
Ch. XXI: application of, temporarily extended	,,	3 (*4*)

	Act.	Section.
*Act XIV of 1882 (Civil Procedure Code),—		
section 52: applied to verification of petitions under Income-tax Act	II	25 (*3*)
section 213 repealed in part	IV	2
section 651 repealed	X	24 (*1*)
declared in force in the Town of Mandalay	XX	6
application of, to Oudh Rent Act of 1886	XXII	15, 121, 135 137, 144, 146
†Act XX of 1882 (Paper Currency) declared in force in Upper Burma generally	XX	6
Act XXII of 1882 (Dekkhan Agriculturists' Relief)—		
amending Act XVII of 1879	XXIII	2
†Act IV of 1883 (Railways) declared in force in Upper Burma generally	XX	6
†Act XIX of 1883 (Land Improvement Loans) declared in force in Upper Burma generally	XX	6
Act XIII of 1884: Committees under, to act under Lahore Tramways Act	I	2
†Act XVI of 1884 (Burma Gaming) declared in force in Upper Burma generally	XX	6
*Act II of 1885 (Negotiable Instruments Act Amendment) declared in force in the Town of Mandalay	XX	6
Act VIII of 1885 (Bengal Tenancy)—		
section 12 (2) amended	VIII	1
section 13 (1) amended	„	2 (1) to (*4*)
section 13 (2) amended	„	2 (*5*), (*6*)
†Act XIII of 1885 (Telegraphs) declared in force in Upper Burma generally	XX	6
Act XIX of 1885 (Indian Securities): repealed	XIII	2 (*1*)
*Act IV of 1886 (Contract Act Amendment) declared in force in the Town of Mandalay	XX	6
†Act X of 1886, (Penal Code and Prisoners Act Amendment), sections 21 to 25, both inclusive, declared in force in Upper Burma generally	XX	6
Act XII of 1886 (Indian Petroleum)—		
may be applied to fluids other than petroleum	XII	23
procedure for making rules under,	„	26
local extent of,	„	1 (*3*)
†Act XIII of 1886 (Securities) declared in force in Upper Burma generally	XX	6
Act XXIII of 1886 (Pensions)—		
Amanat Wasikas, Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of,	XXI	2
Administrators General to deduct and pay income-tax	II	22 & 23
Agents to pay income-tax for their principals	II	21 & 23
information to be furnished by, under Income-tax Act	„	42 & 43
Agra Courts (N.-W.P.): institution in, of suits previously cognizable in Morar Courts	XVII	10 (*1*)
Agreement (O.) or contract cannot give power to landlord to eject tenant otherwise than as provided in Oudh Rent Act	XXII	4 (*1*)
rights of tenants not affected by,	„	4 (*2*)
not affected by Act under certain conditions as to previously uncultivated land	„	4 (*3*), (*4*)
of occupancy-tenants or sub-tenants	„	4 (*5*)
Agriculture: incomes derived from, not liable to income-tax	II	5

	Act.	Section.
ALLONGES TO GOVERNMENT SECURITIES: indorsement on, prohibited . .	XIII	6
APPEAL (N.-W.P.) and revision of decisions and orders on stone-quarries	V	18
APPEAL UNDER NORTH-WESTERN PROVINCES RENT ACT— transfer of, ...	XIV	3
may be recalled by Local Government . .	"	"
APPEALS (L.B.): sentences passed by Magistrate exercising powers of a Court of Session are subject to,	XVI	3 (5)
period of limitation for, ...	"	7
(O.) limitation of, under Oudh Rent Act . .	XXII	118
restrictions on, under Oudh Rent Act . .	"	119
from certain orders of Deputy Commissioners .	"	120
APPREHENSION of prisoner; obstruction of, ...	X	18
illegal obstruction to, ...	"	24
ARMY: salaries of certain officers and men exempted from income-tax	II	5, cl. (i)
ARREAR OF LAND-REVENUE: procedure for recovery of, applied to recovery for arrears of income-tax	II	30 (1)
ARREARS OF INCOME-TAX: recovery of, ...	II	30
ARREST WITHOUT WARRANT (L.) of person avoiding payment of tramway fare . .	I	19
ASSIMILATION (N.-W.P.) of law in force in ceded lands to law in force in Jhánsí district . .	XVII	3
BENGAL ACT II OF 1880 (THE BENGAL LICENSE ACT)— repealed from 1st April, 1886	II	Sch. I
BENGAL: territories under Lieutenant-Governor of, not subject to the Indian Tramways Act of 1886, except by special notification	XI	1, 2
BENGAL REGULATION V OF 1799, SECTION 7, amended . .	XIX	1
II OF 1800 (STONE-QUARRIES AT CHUNAR, GHAZIPUR AND MIRZÁPUR) repealed . . .	V	2
BENGAL REGULATION LII OF 1803, sections 3, 7, 9 and 17, amended	XIX	2
†BENGAL REGULATION XI OF 1812 (REMOVAL OF FOREIGN EMIGRANTS) declared in force in Upper Burma generally	XX	6
†BENGAL REGULATION III OF 1818 (STATE PRISONERS) declared in force in Upper Burma generally . .	XX	6
BENGAL REGULATION IX OF 1833, SECTIONS 16, 17 AND 25, amended	XIX	1
BENGAL TENANCY ACT of 1885. See *Act VIII of 1885.*		
of 1886	VIII	
BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886 .	VI	
BOMBAY ACT VII OF 1867 (BOMBAY DISTRICT POLICE), section 23, repealed in part	X	20
BOMBAY ACT III OF 1878 (THE BOMBAY LICENSE ACT), repealed	II	Sch. I
BOMBAY ACT V OF 1879 (BOMBAY LAND-REVENUE CODE)— sections 74 and 76; notices of relinquishment of occupancy under, . .	VII	6 (1)
DISTRICT POLICE ACT, 1867. See *Act VII of 1867.*		
PRESIDENCY not subject to the Indian Tramways Act of 1886, except by special notification .	XI	1, 2
TOWN OF: sections 55 and 56 of Criminal Procedure Code apply to, ...	X	3

	Act.	Section.
Bond (L.) for appearance of person arrested for avoiding payment of tramway fare	I	19
Burma Gaols Delivery Act, 1886. See *Lower Burma Gaols Delivery Act, 1886.*		
Land and Revenue Act. See *Act II of 1876.*		
Calcutta, town of: sections 55 and 56 of Criminal Procedure Code apply to, ...	X	3
Cancellation of suspension on remission of sentence . .	X	11
Ceded lands (N.-W.P.) deemed part of Jhánsí District .	XVII	2
Charitable purposes, public; property solely employed for, not liable to income-tax .	II	5, cl. (*a*)
Chemical Examiner to Government, Calcutta—		
to keep model test-apparatus for petroleum . .	XII	20
to verify every apparatus for testing petroleum .	„	21 (*1*), (*2*)
to keep register of certificates granted as verification of test-apparatus	„	21 (*4*)
Chief Commissioner (O.): power of, to vary limit of enhancement of rent	XXII	51
may confer powers of an Assistant Collector of first or second class	„	110
may confer on Settlement-officers powers of Collector or Assistant Collector	„	112
may invest Assistant Collector of first class with certain powers of a Collector	„	115 (2)
power of, to make rules for guidance of persons connected with enforcement of Oudh Rent Act	„	158
Chutia Nagpur Encumbered Estates Act. See *Act VI of 1876.*		
Civil Courts (North-Western Provinces)—		
not to take cognizance of disputes as to rights to quarry stone	V	6 (*4*)
Procedure Code. See *Act XIV of 1882.*		
certain provisions of, applied to recovery of arrears of income-tax	II	30 (*3*)
provisions regarding securing evidence applied under Income-tax Act	„	28
Code of Civil Procedure. See *Act XIV of 1882.*		
Code of Criminal Procedure. See *Act X of 1882.*		
Collector (N.-W.P.)—		
order passed by, on appeal under Rent Act subject to appeal and revision	XIV	3
powers of, under Income-tax Act; by whom they may be exercised	II	40
Commissioners: powers of, under Income-tax Act; by whom they may be exercised	II	40
for examining registers of Births, Deaths and Marriages; appointment of, . .	VI	33
for examining registers of Births, Deaths and Marriages; duties of, ...	„	34
lists of registers prepared by; searches to be allowed	„	35

	Act.	Section.
COMMISSIONERS—*continued.*		
(O.) power of, to hear and determine appeals .	XXII	116
ADDITIONAL (N.-W.P.)—		
under North-Western Provinces Land-Revenue Act—appointment, powers and duties of,	XV	1
COMMISSIONER, DEPUTY (N.-W.P.): previous sanction of, required for an application to be made to any Court in Jhánsí District for the execution of a decree or order passed by a Civil or Revenue Court of Gwalior . . .	XVII	6 (*1*)
power of, to withhold sanction, or to grant sanction subject to conditions . .	„	6 (*2*)
finality of orders subject to revision of Commissioner only .	„	7 (*3*)
COMPANIES having several places of business, subject to a single Local Government or to different Local Governments; which deemed principal for purposes of Income-tax Act: power to declare, .	II	47 (*1*) (*2*)
COMPENSATION (L.) not claimable where Government interferes with streets occupied by tramway	I	7
CONCILIATOR (D.): powers of, to direct person against whom application has been made to attend at time and place fixed . .	XXIII	8
failure to attend direction of, deemed an offence under section 174 of Indian Penal Code	„	8
CONTRACT ACT. See *Act IX of 1872.*		
CONTRACT (O.). See "*Agreement (O.).*"		
COUPON OF GOVERNMENT LOAN; transfer and discharge of, .	XIII	8 (*1*) (*2*)
COURT (O.): payment of revenue or rent may be made into, and withdrawn from: procedure for, . .	XXII	14, 15
may order remission of rent	„	19
shall order recovery of possession of holding by tenant under certain circumstances . .	„	21
may render assistance to eject tenant . . .	„	60
of Revenue only to take cognizance of certain suits (described)	„	108
of Revenue; grades of, ...	„	109
defendant may pay money into, ...	„	142
may make local investigations	„	144
to declare date from which enhancement of rent is to take effect	„	147
COURT-FEES ACT, 1870. See *Act VII of 1870.*		
COURT OF REVENUE (N.-W.P.): transfer of business from one such Court to another under North-Western Provinces Rent Act . .	XIV	3
COURT OF SESSION (L.B.): powers of, may be conferred on any Magistrate of the first class.	XVI	3 (*1*)
cognizance of offences by Magistrate having powers of, . . .	„	3 (*2*)

	Act.	Section.
COURT OF SESSION (L.B.)—*continued.*		
procedure to be followed by Magistrate exercising powers of,	XVI	3 (3)
sentences, judgments and orders passed under exercise of powers of,	„	3 (5)
COURT OF WARDS to deduct and pay income-tax	II	22 & 23
CRIMINAL PROCEDURE CODE. See *Act X of 1882.*		
AMENDMENT ACT, 1886	X	
CROPS (O.) or products: what are, and what are not, liable to distress	XXII	76
CROWN DEBTS: priority of, not affected by Deo Estates Act	IX	3
DANGEROUS PETROLEUM: quantities which may be stored, limit of,	XII	5 (1)
license required for keep or transport of,	„	6
vessels containing, to be labelled.	„	7
certificates as to,	„	14
DEBTS of Rájá Bhikam Narayan Singh Bahadur of Deo	IX	2 (4)
DECREES (N.-W.P.) of Gwalior Courts: application for execution of, may be made to any Court in Jhánsí District	XVII	6 (1)
DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879. See *Act XVII of 1879.*		
1881. See *Act XXIII of 1881.* (amending Act XVII of 1879)	XXIII	2
1882. See *Act XXII of 1882.*		
DEO ESTATE ACT	IX	
DISPUTES (N.-W.P.) as to rights to quarry stone to be decided by the Collector	V	6 (3)
DISSOLUTION of partnership by order of Court	IV	1
DISTRAINER (O.). See also "*Distress (O.).*"		
powers of,	XXII	74, 75, 78, 79 (2)
compulsory action of,	„	77
may apply for assistance of Courts in case of resistance	„	80
to withdraw distress on tender of payment of the arrears and costs of distress	„	81
to apply within limited period for sale of property in satisfaction of decree	„	82
demand of, and proof of, arrear by, in suit to contest demand	„	86, 97
illegal acts of; suits for,	„	103, 104, 105
DISTRAINT (O.). See *Distress (O.).*		
DISTRESS (O.): stranger claiming right of,	XXII	102
illegal: suit for,	„	103, 104, 105
resistance to: punishment for,	„	106, 107
See also *Sale (O.).*		
recovery of arrears of rent by,	XXII	72
when not permissible	„	73
power to exercise, in whom vested	„	74
may be transferred to servants	„	75

	Act.	Section.
Distress (O.)—*continued.*		
what crops are, and what are not, liable to,	XXII	76
written notice to be given before or at time of making,	„	77
list of value and of property taken in, to be delivered to owner thereof	„	78
crops may be reaped and stored notwithstanding,	„	79
assistance of Court in case of opposition to,	„	80
withdrawal of,	„	81
costs of, how recovered	„	95
vexatious; compensation for,	„	98
Documents: production of, in proceedings under Income-tax Act	II	28
Duplicate securities may be issued	XIII	12, 13
Duty (N.-W.P.) leviable on stone	V	4
by proprietors prohibited	„	5
Enactments (N.-W.P.) in force in Jhánsí District are also in force in Town and Fort of Jhánsí and in ceded lands	XVII	3
Executive authority (N.-W.P.): acts of, done since beginning of March, 1886: validation of,	„	5
Escape of prisoner: sufferance of,	X	18
Fee(s) (O.) for notice of ejectment not to exceed 25 rupees	„	55(3)
to be paid into Court for notice of ejectment (by stamps)	XXII	55(5)
Ferries Act. See *Act XVII of 1878.*		
Ferry not to be established within two miles of public ferry without sanction of Magistrate	III	2(1)
Fine: default of payment of,	X	10(2)
Firms having several places of business, subject to a single Local Government, or to different Local Governments: which deemed principal for purposes of Income-tax Act; power to declare,	II	47(1)(2)
Fugitive Offenders Act, 1881. See *44 & 45 Vic., cap. 69.*		
Glanders and Farcy Act, 1879. See *Act XX of 1879.*		
Governor General in Council: power of, to exempt certain persons from liability to pay income-tax	II	6
may direct mode of payment of income-tax by servants and pensioners of local authority	„	8(1)
may direct mode of payment of income-tax on securities	„	13(1)
power of, to make rules for ascertaining and determining income liable to assessment for income-tax	„	38(1)
power of, to declare public servant deemed to have committed an offence under section 166 of the Indian Penal Code	„	38(2)

	Act.	Section.
GOVERNOR GENERAL IN COUNCIL—*continued.*		
power of, to declare which is the principal place of business of firms and others having places of business under different Local Governments . . .	II	47(*1*)
power of, to declare which is a person's residence out of several subject to different Local Governments . . .	„	47(*3*)
previous sanction of, required to establishment of two Registrars General of Births, Deaths and Marriages by the Governor of Bombay .	VI	6(*2*)
previous approval of, required by Local Government to extend operation of Chapter III of Births, Deaths and Marriages Registration Act of 1886 . .	„	11(*2*)
power of, to appoint Registrars of Births and Deaths in Native States . . .	„	13
may suspend, remove or dismiss Registrars of Births and Deaths .	„	15(*1*)
to appoint the Registrar-General of Births, Deaths and Marriages to receive certified copies of entries in registers . . .	„	24(*2*)
power of, to make exceptional provision for registration of certain births and deaths .	„	26
power of, to make rules for correction of errors in register of births and deaths . . .	„	28(*1*)
power of, to prescribe form of copy of all copies made by Registrar in marriage-certificate-book, and at what intervals of time .	„	29–31
power of, to direct certain registers or records to be sent to one of the Registrars General within one year .	„	32

	Act.	Section.
GOVERNOR GENERAL IN COUNCIL—*continued.*		
power of, to appoint Commissioners for examining registers or records sent to the Registrar General of Births, Deaths and Marriages.	VI	33(*1*)(*2*)
power of, to make rules generally to carry out purposes of the Births, Deaths and Marriages Registration Act of 1886. . . .	„	36
procedure of, for making and publication of rules under Births, Deaths and Marriages Act, 1886 . . .	„	37
power of, to cancel suspension or remission of certain sentences .	X	11 (*1*)
power of, to direct removal of lunatics to any lunatic asylum, &c., in British India . .	„	12, 25
sanction of, for prescription of rank of certain police-officers by Local Government . . .	„	13 (*1*)
power of, to remove certain prisoners from one jail to another in British India . . .	„	32
Local Government's power to declare that certain petroleum be deemed to be "transported" and "imported" is subject to sanction of, . .	XII	4 (*2*)
Local Government's power to make rules as to importation and refining of petroleum is subject to previous sanction of, . .	„	8 (*1*) (*2*)
Local Government's power to make rules as to possession and transport of petroleum is subject to previous sanction of, . . .	„	11 (*1*)
power of, to grant licenses to transport petroleum.	„	11 (*3*)
power of, to prescribe what fees are to be paid to Chemical Examiner for verifying apparatus for testing petroleum .	„	21 (*1*)

	Act.	Section.
GOVERNOR GENERAL IN COUNCIL—*continued.*		
power of, to prescribe forms of certificate of verification of apparatus for testing petroleum .	XII	21 (*2*)
power of, to prescribe what fees are to be paid for inspection of model test-apparatus . .	„	21 (*5*)
power of, to apply the Petroleum Act, in whole or in part, to any inflammable fluid . .	„	23
power of, to limit operation of enactment relating to possession or transport of petroleum in force relating to municipalities . .	„	24
power of, to declare that securities may be held by holders for the time being of public offices .	XIII	7 (*1*)
power of, to issue certificates entitling bearer to portion of loan . .	„	8 (*1*)
may direct mechanical process of impression of signature in Government securities . .	„	10 (*1*)
power of, to direct times for publication of list of lost or destroyed Government securities .	„	12 (*3*)
power of, to make rules generally in regard to Government securities	„	14
publication of rules proposed to be made by, .	„	15 (*1*)
consideration of objection or suggestion made to such proposed rules .	„	15 (*3*)
(N.-W.P.) sanction of, required to appointment of Additional Commissioner by Local Government . . .	XV	1
power of appointment of places in which Courts should have jurisdiction as to suits previously institutable in Morar Courts . . .	XVII	10 (*1*)
certain functions of, transferred to the Lieutenant Governor of the North-Western Provinces	XIX	1

	Act.	Section.
GOVERNMENT RIGHTS (N.-W.P.) to levy duty on stone .	V	4
GOVERNMENT SECURITIES: interest on, liable to income-tax	II	s. 4 and sch. II, Pt. III.
mode of payment of tax . . .	„	13
GUARDIANS, &c., to deduct and pay income-tax . . .	II	20 & 23
IDIOT. See *Lunatic*.		
ILLEGITIMATE CHILDREN: births of, how registered . .	VI	22 (*1*)
IMPRISONMENT in default of payment of fine . . .	X	10 (*2*)
in civil and criminal jails	„	15, 25
IMPROVEMENT ON HOLDINGS (O.): right of tenant to compensation for, . .	XXII	22
landlord's consent required if compensation be claimed for, . .	XXII	23
action of tenant when landlord's consent to, is required . .	„	24
grounds which may be urged by landlord in refusing consent to, .	„	24 (*2*)
outlay of, to be registered	„	25
estimation of compensation for, . . .	„	27
made by landlord . .	„	29
compensation for, may be recovered by vacating tenant by separate suit	„	46
rent may be enhanced for, if made or acquired by landlord . . .	„	50
tenant to file with plaint statement of claim for compensation for, .	„	57
defendant may file claim for compensation for .	„	65
INCOME-TAX: what incomes are liable to assessment . .	II	4 & 5
power of Governor General in Council to exempt from payment	„	6
assessment and collection of tax—		
on salaries and pensions	„	7 & 10
on profits of companies	„	11 & 12
on interest on Government securities . .	„	13
on other sources of income . . .	„	14—24
power to make rules regarding, . . .	„	18
revision of assessment	„	25—28
recovery of arrears of tax	„	29 & 30
agreements for composition of tax . .	„	31
receipts for taxes paid	„	32
amendment of assessment	„	33
penalty for failure to make payments or deliver returns or statements	„	34
punishment for making false statement in declaration	„	35
prosecutions to be at instance of Collector .	„	36
certain proceedings under the Act to be deemed "judicial proceedings"	„	37

	Act.	Section.
INCOME-TAX—*continued.*		
general power to make rules under the Act	II	38
suits to set aside or modify assessment made under the Act; bar of,	„	39
powers of Collector or Commissioner under the Act; by whom they may be exercised	„	40
information to be furnished to Collector under the Act	„	41—44
trustees and others required to furnish certain returns of income	„	42 & 43
penalties for non-compliance with certain provisions of the Act	„	45
how notices under the Act may be served	„	46
power to declare which one out of several places of business or residences is principal under the Act	„	47
payment of, cancels liability to pay pándhari-tax levied in Central Provinces, and certain other taxes or rates levied in British (now Lower) Burma	„	48
payment of, on behalf of another person; indemnity for,	„	49
INDEXES of births, deaths and marriages to be kept	VI	7
to be open for inspection by public	„	8
INDEMNITY of persons paying income-tax on behalf of other persons	II	49
INDIAN CHRISTIAN MARRIAGE ACT. See *Act XV of 1872.*		
INDIAN LIMITATION ACT OF 1877. See *Act XV of 1877.*		
INDIAN PENAL CODE. See *Act XLV of 1860.*		
INDIAN RAILWAY ACT, 1879. See *Act IV of 1879.*		
INDIAN REGISTRATION ACT. See *Act III of 1877.*		
INDIAN SUCCESSION ACT. See *Act X of 1865.*		
INDORSER OF GOVERNMENT SECURITY not liable for amount.	XIII	9
INFORMATION to be furunished to Collector under Income-tax Act	II	41—44
INSPECTION (L.) before opening of tramway.	I	3
INSPECTOR GENERAL OF PRISONS: certain officers in charge of jails to discharge functions of,	X	12
JHÁNSÍ AND MOHAB ACT (N.-W.P.)	XVII	
JHÁNSÍ (N.-W.P): District, Town and Fort of Jhánsí and lands ceded deemed to be part of,	XVII	2
JHÁNSÍ (N.-W.P.) District, scheduled: the Town and Fort of Jhánsí and ceded lands to be part of,	XVII	4
JOINT-PAYEES of Government securities: payable to survivor	XIII	5 (*1*) to (*3*)
LAHORE TRAMWAYS ACT, 1886	I	
LAND ACQUISITION ACT. See *Act X of 1870.*		
LANDLORD (O.); powers of, to confer right of occupancy	XXII	6
to grant patta or memorandum of terms of tenancy	„	8
has a right to receive from tenant a signed counterpart of patta so granted	„	11
not liable for compensation for improvement made by tenant without written consent	„	23
may make improvement on holding of non-occupancy tenant with or without his consent, but must give notice of intention so to do	„	29

	Act.	Section.
LANDLORD (O.)—*continued.*		
liability of, for loss caused to tenant when making improvement	XXII	29
may enter upon land for purpose of surveying and measuring,	„	30
may enhance rent of certain tenants	„	38
to give notice of desire to enhance rent on expiration of term of seven years	„	39
desiring to eject non-occupancy tenant	„	61
has prior claim to distrainable produce	„	101
suits cognizable in Courts of Revenue, and brought by,	„	108
LIMITATION of time for commencing proceedings for recovery of income-tax	II	30 (*5*)
(N.-W.P.): mode of computing period of, for purposes of transfer of institution, of suits previously cognizable in Morar Courts	XVII	10 (*3*)
ACT (N.-W.P.). See *Act XV of 1877.*		
(O.) of certain suits	XXIII	13
LOCAL GOVERNMENT(S); powers of, under Births, Deaths and Marriages Registration Act	VI	6 (*1*) & (*2*), 11 (*2*), 12, 15,
powers of, under sections 110, 158, 173, 401, 475 B and 495 of Criminal Procedure Code	X	5, 6, 7, 11, 12, 13
power of, to extend parts of Petroleum Act, 1886	XII	1 (*3*)
powers of, to grant licenses as to possession and transport of dangerous petroleum and petroleum	„	5 (*1*), 11 (*1*)
powers of, to make rules to regulate importation of petroleum	„	8 (*1*) (*2*)
to appoint officer to receive samples of petroleum landed or to be landed	„	8 (*1*)
to appoint officer to test petroleum	„	9 (*1*)
power of, to exempt certain classes of petroleum from operation of the Petroleum Act, 1886	„	22
powers of certain, to extend Indian Tramways Act, 1886	XI	2 (*2*)
powers of, to authorise construction of tramway	„	4 (*1*), 5, 6 (*1*)
powers of, to direct acquisition of land for tramway purposes under provisions of the Land Acquisition Act	„	7 (*3*)
powers of, to revoke, amend, extend or vary order for construction of tramway	„	8
powers to make order for joint construction of tramway	„	9
to appoint engineer for inspection of tramway	„	12
powers of, to authorize construction of tramway with rails raised above surface of road	„	14 (*2*) (*b*)
powers of, to renew tramway license	„	17 (*a*)

	Act.	Section.
Local Government(s)—*continued.*		
powers of, to declare cessation of powers granted to promoter and lessee of tramway	XI	19
to approve lease of tramway by local authority	„	23
powers of, to make rules under Indian Tramways Act	„	24
powers of, to cancel rules for tramways made by local authority	„	24 (*4*)
powers of, to fix rates at which a tramway proprietor may compound for charges payable for use of bridge or road	„	39 (*2*)
powers of, under Indian Tramways Act to be exercised from time to time	„	50
(Bom.); powers of, under Births, Deaths and Marriages Registration Act	VI	6 (*2*)
(L.B.) may declare what districts are disturbed	XVI	1 (*2*)
may confer on Magistrate powers of a Court of Session	„	3 (*1*)
may, with previous sanction of Governor General in Council, appoint Additional Judicial Commissioners	„	4 (*1*)
may cancel such appointment	„	5
may prescribe jurisdiction and powers of Additional Judicial Commissioner	XVI	4 (*2*)
may withdraw any powers conferred under Act XVI of 1886	„	5
(N.-W.P.): certain functions of Governor General in Council transferred to	XIX	1 & 2
to prescribe date previous to which certain documents unregistered and instruments unstamped were admissible in Courts of Mahárájá Sindia	XVII	9
powers of, to sanction transfer of business under North-Western Provinces Rent Act from one Court of Revenue to another	XIV	3
powers of, to order recall of any appeal transferred to a Collector under section 100B of North-Western Provinces Rent Act, as amended	„	3
powers of, (with previous sanction of Governor General in Council) to appoint Additional Commissioner	XV	1

	Act.	Section.
LOCAL GOVERNMENT(S)—*continued.*		
(N.-W.P.) powers of, to prescribe duties of Additional Commissioner	XV	1
power of, to make rules under the Mirzápur Stone Mahál Act	V	7 (*1*)
powers to direct penalties for breach of rules for stone-quarries	„	7 (*2*)
(U.B.): powers of, to transfer any portion of Upper Burma to Lower Burma, or of Lower Burma to Upper Burma	XX	2 (*2*)
to divide Upper Burma into divisions, districts, townships and circles	„	3 (*a* & (*b*)
to declare certain Acts no longer in force in Upper Burma	„	6 (*3*)
to extend enactments in force in Upper Burma to all or any of the Shan States or to withdraw such States from such enactments, and to declare what territories constitute Shan States	„	8 (*1*) & (*3*)
LOWER BURMA GAOLS DELIVERY ACT, 1886—		
extent of,	XVI	2
expiration of,	XVI	8
LUNATIC(S): removal of	X	12, 25
collection of income-tax due from,	II	20 & 23
supposed: cruel treatment of,	XVIII	1
detention of,	„	1
certificate of medical officer concerning,	„	1
asylums for reception and detention of, beyond certain limits	„	2
LUNATIC ASYLUMS ACT. See *Act XXXVI of 1858.*		
MADRAS ACT III OF 1878 (MADRAS LICENSE ACT)—		
repealed to extent not previously repealed	II	2
1880 (AN ACT TO AMEND MADRAS ACT III OF 1878) AS AMENDED BY ACT VI OF 1880)—		
repealed from 1st April, 1886	„	2
MADRAS PRESIDENCY not subject to the Indian Tramways Act of 1886, except by special notification	XI	1 & 2
MAGISTRATE: power of, to permit prosecution to be conducted by certain persons	X	13 (*1*)
to direct removal of prisoner from civil to criminal jail	„	15
MANAGERS appointed by Courts to deduct and pay income-tax	II	22 & 23
MARRIED WOMEN subject to law of England: collection of income-tax due from,	II	20 & 23

	Act.	Section.
) ARRIAGE ACT. See *Act III of 1872.*		
MIRZÁPUR STONE MAHÁL ACT. See *Act V of 1886.*		
MOFAR COURTS (N.-W.P.): recognition in Courts at certain other places of suits for debt formerly cognisable in, . .	XVII	10 (*1*)
MUNICIPAL ACT, 1884 (P.). See *Act XIII of 1884.*		
NATIVE STATES: Income-tax Act applies to certain British subjects in, ...	II	1 & 3 (*5*)
Births, Deaths and Marriages Act applies to British subjects in, ...	VI	2 & 11 (*1*) (*a*) & (*b*)
NEGOTIABLE INSTRUMENTS ACT. See *Act XXVI of 1881.*		
NON-COGNIZANCE (N.-W.P.) by Civil Courts of disputes as to rights to quarry stone .	V	6 (*4*)
NORTH-WESTERN PROVINCES LAND-REVENUE ACT OF 1873. See *Act XIX of 1873.*		
NORTH-WESTERN PROVINCES RENT ACT, 1881. See *Act XII of 1881.*		
NOTICES under Income-tax Act: how they may be served .	II	46
NOTICE OF BIRTH: persons authorized to give, . . .	VI	20
persons giving, to sign entry . .	,,	22 (*1*)
NOTICE OF DEATH: persons authorized to give, . . .	VI	21
persons giving, to sign entry . .	,,	22 (*1*)
OCCUPANCY-TENANTS (O.)—		
rights of, ...	XXII	5
saving of power to confer rights . . .	,,	6
saving of power to confer rights: loss of, . .	,,	7
entitled to receive patta	,,	9
enhancement of rent	,,	33
enhancement of rent: suit for, not to lie until expiration of certain period . . .	,,	34
OFFENSIVE OR DANGEROUS GOODS (L.): carriage of, on tramways . . .	I	13 & 17
OFFICIAL TRUSTEES to deduct and pay income-tax . .	II	22 & 23
OUDH CIVIL COURTS ACT. See *Act XXXII of 1871.*		
OUDH LAWS ACT. See *Act XVIII of 1876.*		
OUDH RENT ACT	XXII	
OUDH RENT ACT OF 1868. See *Act XIX of 1868.*		
OUDH WASIKAS ACT	XXI	
PÁNDHARI-TAX ACT (C.P.). See *Act XIV of 1867.*		
PANJÁB MUNICIPAL ACT, 1884. See *Act XIII of 1884.*		
PARSI MARRIAGE AND DIVORCE ACT. See *Act XV of 1865.*		
PARTNERSHIP may be dissolved by winding up by Court .	IV	1
PATTA(S) (O.): tenant's right to, ...	XXII	8
occupancy-tenant's right to, ...	,,	9
non-occupancy tenant's right to, . . .	,,	10
counterpart of, to be signed by tenant and furnished to landlord	,,	11
change of rent or alteration of area of holding under, ...	,,	70
PENAL CODE. See *Act XLV of 1860.*		
PENALTY for maintaining private ferry within prohibited limits	III	2 (*3*)
for giving false information of births or deaths .	VI	27
PENALTIES (L.): under Tramways Act	I	14—19, 20
for non-compliance with certain provisions of Income-tax Act	II	45
leviable under the Income-tax Act . . .	II	8 (*2*), 13 (*2*) & 34

	Act.	Section.
PENALTIES—*continued.*		
(N.-W.P.) for evasion of duties for stone-quarrying	V	11
PENSIONS ACT. See *Act XXIII of 1871.*		
PENSIONARY PROVISIONS: payments made for, not chargeable with income-tax	II	5, cl. *g*)
PETROLEUM ACT, 1881. See *Act VIII of 1881.*		
1886	XII	
PETROLEUM: certain qualities of, exempted from provisions of Petroleum Act of 1886	XII	22
powers of Local Government to make rules for importation and refining of,	"	8
procedure after discharge into boats or landing of,	"	9
limit of quantity of, to be kept in possession of one person	"	10
Local Government may make rules for possession and transport of,	"	11
samples of, to be inspected by officers specially appointed	"	12
testing samples of: notice to be given	"	13
certificates of, tested	"	14
penalty for illegal importation of,	"	15
penalty for keeping, &c., in vessels without labels	"	16
dealer in, refusing to show authorized officer any place or vessels containing,	"	17
confiscation of, for breach of provisions of certain sections of Petroleum Act, 1886	"	18
POLICE: officer of, forbidden to conduct prosecution in cases previously investigated by him	X	13 (*2*)
POWERS of Income-tax Act exercisable from time to time	II	50
(N.-W.P.) of officers appointed to execute provisions of Mirzápur Stone Mahál Act	V	15 & 16
PRISONERS ACT, 1871. See *Act V of 1871.*		
PRISONERS: transfer of, from territories under one Local Government to territories under another	X	25
PROSECUTIONS under Income-tax Act to be at instance of Collector	II	36
under certain rules made under Income-tax Act require previous sanction of Local Government	"	38 (3)
PUBLIC AUCTION for letting of public ferry	III	1 (*1*)
PUBLIC FERRY: tolls of, may be let by public auction	III	1 (*1*)
management and control of: rules for,	"	1 (*1*)
PUBLIC (L.): right of public to use of streets occupied by tramway	I	8
(N.-W.P.) rights to quarry stone	V	6
PUBLIC OFFICERS for time being: indorsement of Government security to,	XIII	7 (*1*) to (*5*)
PUBLIC SERVANT concerned in sales not to purchase or bid for the property	X	16
omitting to apprehend when bound to do so	"	24
RACES AND CLASSES, sects or tribes to which registration of births and deaths is applicable	VI	11 (*a*) & (*b*)
sects or tribes to which registration of births and deaths may be extended	"	26
RAILWAY ACT. See *Act IV of 1879.*		
RECEIVERS to deduct and pay income-tax	II	22 & 23
RECEIPTS to be given for sums paid under Income-tax Act	II	32

	Act.	Section.
Recovery of duty (N.-W.P.) in arrear, for stone-quarries, as an arrear of land-revenue	V	17
Registrar General: duties of, under Births, Deaths and Marriages Registration Act	VI	7, 9 & 10
Registration Act, 1877. See *Act III of 1877.*		
Register-books: certified copies of entries in, to be sent to Registrar General	XIX	24
searches in, to be allowed	,,	25
copies of entries in, to be given	,,	25
errors in, how to be corrected	,,	28 (*1*) & (*2*)
Registrar of Births and Deaths: appointment of,	VI	12, 13
is a public servant	,,	14
resignation of,	,,	15 (*2*)
office of,	,,	16 (*1*) & (*2*)
absence of,	,,	17 (*1* & (*2*)
register-books to be kept by,	,,	18, 19
duties of,	,,	19, 22, 23, 24 & 25
signatures to entries of birth or death to be made in presence of,	,,	22 (*1*), (*2*) & (*3*)
to grant certificates of registration of births or deaths	,,	23
Regulation (L.): power to make regulations regarding payment of fares and charges for use of tramways	I	12
Regulation. See *Bengal Regulation.*		
Religious purposes: property solely employed for, not liable to income-tax	II	5, cl. (*e*)
Remission of sentence may be cancelled	X	11
Renewed securities may be issued	XIII	11, 13
Rent of agricultural land not liable to income-tax	II	5, cl. (*a*)
(O.) arrears of instalments on due date	XXII	12
receipts for: what constitutes claim for compensation for withholding of,	,,	13
amount of, may be paid into Court without suit	,,	14
form to be used when making declaration as to payment of,	,,	15
limitation for suits for balance of,	,,	16
compensation for illegal enforcement of,	,,	17
abatement of: grounds of suit for,	,,	18
remission of: powers of Court with regard to,	,,	19
enhancement of,	,,	33—35, 38, 39
service of notice for,	,,	40, 42
grounds of non-liability to,	,,	43
grounds of liability to,	,,	44
for improvements made by landlord	,,	50
power of Local Government to vary limit of,	,,	51
date from which to take effect to be fixed by Court	,,	70
change of: evidence respecting,	,,	70
arrears of, recovery by distress	,,	72
payable for land occupied without consent of landlord	,,	127
suits for arrears of,	,,	132
set-off in,	,,	140

	Act.	Section.
RENT—*continued.*		
(O.) claims to, by third party to suit	XXII	138
interest on arrears of,	„	141
proprietor's lien for, payable by under-proprietor	„	154
RESIDENCES when several in occupation of one person; which deemed his residence under Income-tax Act; power to declare,	II	47 (3) (4)
REVENUE of agricultural land not liable to income-tax	II	5, cl.(a)
(O.) See also *Rent.*		
of land: re-assessment of,	XXII	34, 35
REVISION of orders on petitions under Income-tax Act	II	27
RIGHT OF OCCUPANCY (O.): tenants having right of; non-application of section 4 of Oudh Rent Act to,	XXII	4 (5)
rule under which tenants who have lost proprietary rights have a,	„	5
powers of landlord to confer,	„	6
RULES (L.): power to make, for regulating working of tramway	I	20
concerning Government securities: power of Governor General to make,	XIII	14, 15
as to assessment and collection of tax on certain sources of income: power of Local Government to make,	II	18
under section 38 of Income-tax Act to be published in official Gazette	„	38 (4)
for management and control of public ferry	III	1 (1)
for letting of public ferry by auction	„	1 (2)
under Income-tax Act: general power to make,	II	38
SALE OF PROPERTY: provisions as to distraint applied to,	XIV	4
SALE(S) (O.) of crops: application for,	XXII	82
form of,	„	83
suspension of, on producing a certificate of institution of suit	„	85
on expiration of period fixed in proclamation	„	88
by public auction: place of,	„	89
payment of purchase-money at time of,	„	91
proceeds of,	„	92
officers holding not to purchase property sold	„	93
not taking place: costs of, how to be recovered	„	95
second proclamation of,	„	96
SAVING (N.-W.P.) of existing rates of duties for stone-quarries	V	19
SCHEDULED DISTRICTS ACT. See *Act XIV of 1874.*		
(N.-W.P.) See *Act XIV of 1874.*		
SCINDIA, MAHÁRÁJÁ (N.-W.P.): execution of decrees or orders passed in Courts of,	XVII	6 (1)
continuance of suits pending in Courts of,	„	8
SECURITIES ACT, 1881. See *Act III of 1881.*		
1885. See *Act XIX of 1885.*		
1886	XIII	
SECURITY FOR GOOD BEHAVIOUR: power to require	X	19, 25
SIGNATURE of officer authorized to sign Government securities may be printed, engraved, lithographed or impressed	XIII	10 (1)
SUSPENSION of sentence may be cancelled	X	11
STANDING CROPS (O.) liable to distress	XXII	76
may be gathered notwithstanding distress	„	79

	Act.	Section.
STATUTES 44 & 45 VIC., CAP. 69 (FUGITIVE OFFENDERS ACT, 1881): offence under, deemed an offence under section 216 of Indian Penal Code as amended	X	23
STREETS (L.): powers over, in connection with the construction and maintenance of tramways	I	4-7
occupied by tramways: rights over,	„	8-10
occupied by tramways: penalty for wrongly interfering with,	I	14
SUITS to set aside or modify assessment under Income-tax Act: bar of,	II	39
SUIT(S) (O.) for balance of revenue or rent: limitation of,	XXII	16
for abatement of rent by under-proprietor or tenant only to be brought on certain grounds	„	18
for ejectment: defendant to file statement of claim for compensation for improvement	„	65
general limitation of,	„	129
for delivery of patta	„	130
by tenant for recovery of holding alleged to have been abandoned	„	131
for recovery of arrears of revenue or rent	„	132
for money, settlements of accounts, delivery of papers, &c., against agents	„	133
regarding distress and division of produce	„	134
plaints in: contents of,	„	137
bar to set off in, for arrears of rent	„	140
ejectment by, of tenant not having right of occupancy	„	53
by third party claiming distrained property	„	100
cognizable under Oudh Rent Act	„	108
TAXATION (L.): temporary occupation of plant, &c., of tramway from municipal taxation	I	23
TAXATION. See *Income-tax*.		
TENANT (O.) losing proprietary right has a right of occupancy by payment of rent	XXII	5
loses right of occupancy on ejectment by execution of decree of ejectment	„	7
has a right to receive from landlord patta or memorandum containing full detail of terms of tenancy	„	8, 9 & 10
continued liability of,	„	20
improvements by: compensation for,	„	22
to be made under written consent of the landlord if compensation be claimed	„	23
right of, to application to Court for permission to make improvements	„	24
outlay on improvements by, to be registered	„	25
compensation due to, for improvements: mode of estimation of,	„	27
action of Court in making compensation to,	„	28
grounds under which liable to enhancement of rent	„	33
non-liability for re-enhancement of rent	„	34
in occupation at passing of Oudh Rent Act: conditions of his tenancy	„	36
not in occupation at passing of Oudh Rent Act: conditions of his tenancy	„	37
power of, to contest his liability to enhancement	„	43

	Act.	Section.
TENANT (O.)—*continued.*		
liability of, for enhanced rent	XXII	44
right of, to compensation for improvements on vacating holding	„	46
rent of, on succeeding to vacant holding	„	47
rights of heir of deceased,	„	48
rent of, on succeeding to holding vacated by death of previous tenant,	„	49
when holding on special terms: ejectment of,	„	52
generally: ejectment of, and by notice on expiration of tenancy	„	53 & 54
notice of ejectment of: contents; service; cost of; languages in which to be written	„	55
may contest liability to ejectment on certain grounds	„	56
shall file with plaint statement of claim for compensation contesting liability to ejectment	„	57
grounds on which he may be liable to ejectment during currency of tenancy	„	62
may be ejected only during certain period in any year	„	63
compensation: claims of, for improvements and value of growing crops	„	65 & 66
TEST-APPARATUS for petroleum: model of, where kept	XII	20
verification of,	„	21
nature of,	„	Sched. I
TRAMWAYS (L.): power to construct, maintain and use them	I	3
construction and maintenance of tramways and of streets on which they are laid	„	4-8
rights over tramways and streets on which they are laid	„	8-10
regulation of traffic	„	11-12
penalties for offences in connection with,	„	14-19 & 20
power to make rules for regulating working of,	„	20
commencement and construction of agreement with the Tramway Company	„	21 & 22
temporary exemption of plant, &c., from municipal taxation	„	23
transfer of control on exclusion of local area occupied by tramway from municipal limits	„	24
application of general enactments to,	„	25
saving of prosecutions under other laws	„	26
TRAMWAY ACT (INDIAN), 1886	XI	
offences under, may be prosecuted under any other law	„	34
settlement of differences under,	„	35 (*1*)
TRAMWAYS ACT (L.), 1886.	I	
TRAMWAY: inspection of, by engineer	XI	12
agreement for keeping in repair	„	13
rights of promoters and public over,	„	14 (*1*)
tolls leviable by promoter or lessee in respect of, not to exceed certain limits	„	15 (*1*)
carriage of dangerous or offensive goods on,	„	16, (*1*), (*2*), (*3*)
notice of refusal to carry dangerous or offensive goods on tramway	„	16 (*5*)
licenses to use,	„	17

	Act.	Section.
TRAMWAY—*continued.*		
account of traffic on: licensee to give promoter,	XI	18
cessation of powers to work,	"	19
purchase of, by local authority	"	19
powers of road-authority on cessation of powers of promoter of,	"	20
local funds: application to,	"	45 (*1*)
existing: Indian Tramways Act may be extended to,	"	46
control of, transferred on exclusion of local area from circle of local authority	"	48
inability of promoter to maintain or work through insolvency	"	21 (*1*)
purchase of, by local authority	"	22 (*2*)
working of, by local authority	"	23
use of: powers of Local Government to make rules for,	"	24
powers of promoter or lessee of, to make certain rules	"	24 (*3*)
penalties for breach of rules in respect of,	"	25
publication of rules in respect of,	"	26
penalties for failure of promoter, lessee or licensee to comply with Act or order	"	27
obstruction of promoter of,	"	28
penalties for interfering with,	"	29
penalty for using carriages with flange wheels on, otherwise than as provided by section 14 of the Act	"	30
evading payment of toll leviable on: penalty for,	"	31
taking or sending dangerous or offensive goods by, without giving notice: penalty for,	"	32
failure to give account of traffic on: penalty for,	"	33
promoters or lessees of: differences between them and authorities how to be settled	"	35 (*1*)
recovery of moneys due under an order from promoter or lessee of,	"	36
recovery of moneys from licensees of,	"	37
recovery of tolls from passengers on,	"	38
promoter of, to acquire right of user only over road	"	39
saving power of authorities over roads traversed by,	"	40
saving power of local authorities, Magistrate or police to regulate traffic on roads used by,	"	41
responsibility of promoters and others for injury on,	"	42
power of Local Government to exempt from municipal taxation	"	44
TRAMWAY-CONSTRUCTION: making order for,	"	4 (*1*)
procedure for,	"	6
power of Local Government to authorize,	"	5
contents of order for,	"	7 (*1*)
provisions of order for,	"	7 (*2*)
power of Local Government to revoke, amend, extend or vary order order for,	"	8 (*1*)
power of Local Government to authorize joint work for, by local authorities	"	9 (*1*)

	Act.	Section.
TRAMWAY-CONSTRUCTION—*continued.*		
cessation of powers given by order for,	XI	10 (*1*)
non-commencement or non-completion of,	„	10 (*2*)
want of funds not a valid reason for default in,	„	43
prohibition of, except under Indian Tramways Act, 1886	„	47
TRANSFER OF BUSINESS OF COURT OF REVENUE (N.-W.P.) may be made by Commissioner of a Division with sanction of the Local Government	XIV	3
TRUST: notice of, not receivable by Government	XIII	4
TRUSTEES to deduct and pay income-tax	II	20 & 23
information to be furnished by, under Income-tax Act	II	42 & 43
UPPER BURMA LAWS ACT	XX	
"UPPER BURMA": definition of	XX	2 (*1*) (*a*)
VINDHYA HILLS: exemption from payment of duty on stone-quarries of inhabitants of tract south of,	V	20 (*1*)
WASIKAS (OUDH) are declared to be "pensions" within meaning of Act XXIII of 1886	XXI	2
WHIPPING ACT (L.B.). See *Act VI of 1864.*		
WINDING UP by Court on dissolution of partnership	IV	1
WITNESSES (L.B.) who have given evidence before conferment of powers of a Court of Session are to be re-summoned and re-heard at requirement of accused person	XVI	3 (*4*)
power to secure evidence in proceedings under Income-tax Act	II	28
WORDS AND PHRASES:—		
"Board" (N.-W.P.) defined	V	3 (*4*)
"Burma (U.B.)" defined	XX	2 (*1*)
"carriage" defined	XI	3 (*9*)
"circle" defined	XI	3 (*4*)
"Collector" defined	II	3 (*9*)
"Collector" (N.-W.P.) defined	V	3 (*2*)
"Collector" defined	XI	3 (*14*)
"Commissioner" (N.-W.P.) defined	V	3 (*3*)
"Committee" (L.) defined	I	(*2*)
"Company"	II	3 (*1*)
"Court" (O.) defined	XXII	3
"dangerous petroleum" defined	XII	3 (*2*), 4 (*1*)
"decree of Court" (O.) defined	XXII	71
"defaulter" defined	II	3 (*8*)
"District Court" defined	XI	3 (*13*)
"District Magistrate" defined	„	3 (*12*)
"import" "importation" defined	XII	3 (*3*), 4 (*2*)
"improvement" (O.) defined	XXII	26
"income" defined	II	3 (*5*)
"land" (O.) defined	XXII	3
"landlord" (O.) defined	„	3
"lease" defined	XXIII	4
"lessee" defined	XI	3 (*11*)
"local authority" defined	II	3 (*1*)
"local authority" defined	XI	3 (*1*)
"Lower Burma (L.B.)" defined	XVI	2 (*2*)

	Act.	Section.
WORDS AND PHRASES—*continued.*		
"Magistrate" defined	II	3 (*6*)
"order" defined	XI	3 (*6*)
"owner" defined	II	24 (*2*)
"person" defined	"	3 (*7*)
"petroleum" defined	XII	3 (*1*)
"Part" defined	II	3 (*11*)
"prescribed" defined	"	3 (*3*)
"prescribed" defined	VI	3
"prescribed" defined	XI	3 (*15*)
"prescribed" (O.) defined	XXII	3
"principal officer" defined	II	3 (*10*)
"promoter" defined	XI	3 (*7*)
"proprietor" (N.-W.P.) defined	V	3 (*7*)
"proprietor" (O.) defined	XXII	3
"proprietary right" (O.) defined	"	3
"quarry" (N.-W.P.) defined	V	3 (*5*)
"Registrar of Births and Deaths"	VI	3
"registered" (O.) defined	XXII	3
"rent" (O.) defined	"	3
"representative" (O.) defined	"	3
"revenue" (O.) defined	"	3
"road-authority" defined	XI	3 (*3*)
"road" defined	"	3 (*2*)
"salary" defined	II	3 (*4*)
"Scheduled offence" (L.B.) defined	XVI	2 (*3*)
"sign" defined	VI	3
"signed" (O.) defined	XXII	3
"ship" defined	XII	3 (*5*)
"special agreement" (O.) defined	XXII	71
"standing crops (D.)" defined	XXIII	4
"street" (L.) defined	I	2
"suit" (O.) defined	XXII	3
"tenant" (O.) defined	"	3
"the district" (N.-W.P.) defined	V	3 (*1*)
"toll" defined	XI	3 (*10*)
"tramway" (L.) defined	I	2
"tramway" defined. See also *Act IV of 1879, section 54*	XI	3 (*5*)
"transport" (N.-W.P.) defined	V	3 (*6*)
"transport" defined	XII	3 (*4*)
"under-proprietary right" (O.) defined	XXII	3
"under-proprietor" (O.) defined	"	3
"undertaking" defined	XI	3 (*8*)
"value" (O.) defined	XXII	3

Government of India Central Printing Office.—No. 229 L. D.—27-12-86.—3,700.

Now ready, cloth, price R8, the Second Edition of

THE NORTH-WESTERN PROVINCES CODE,

CONSISTING OF

THE BENGAL REGULATIONS AND THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL

IN FORCE IN

THE NORTH-WESTERN PROVINCES,

AND

THE NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER THE SCHEDULED DISTRICTS ACT FOR THE SCHEDULED DISTRICTS OF THE NORTH-WESTERN PROVINCES.

Nearly ready, cloth, price R8, Vol. I of the Revised Edition of

THE UNREPEALED GENERAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL

For the years 1834—66,

Is now issuing from the Press and will be published in January 1887.

In the Press, Vol. II of the Revised Edition of

THE UNREPEALED GENERAL ACTS OF THE GOVERNOR GENERAL

For the years 1867—76,

It is expected that it will be published on or about April 1st, 1887.